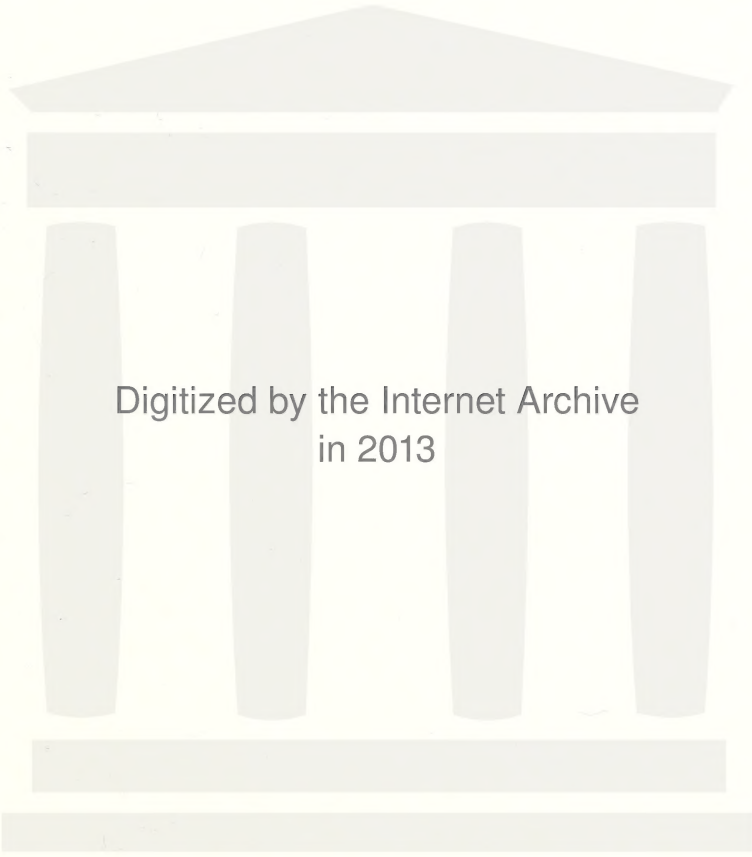
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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

EXTRA SESSION

1989

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OF
THE SENATE OF NORTH CAROLINA
GENERAL ASSEMBLY
EXTRA SESSION 1989

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KENNETH C. ROYALL, JR., Deputy President Pro Tempore ..... Durham
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33	JAMES F. RICHARDSON	Charlotte
34	T.L. ODOM	Charlotte
35	LAURENCE A. COBB*	Charlotte
	CONSTANCE K. WILSON	Charlotte

*(Resigned 8/14/89)(Unexpired Term Filled 9/1/89)

SENATE JOURNAL
EXTRA SESSION

DECEMBER—1989

FIRST DAY

SENATE CHAMBER,
Thursday, December 7, 1989.

In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by the Governor on November 24, 1989, the Senate of the North Carolina General Assembly convenes in Extra Session at the hour of 12:00 Noon in the Senate Chamber of the State Legislative Building in the City of Raleigh.

The Honorable James C. Gardner, Lieutenant Governor and President of the Senate, presides and calls the Senate to order.

Prayer is offered by the Reverend Steve Lucas, Senate Chaplain, as follows:

"Father, for time to return to our families and profession, for the insight that comes only from rest and reflection, and for the chance to renew relationships with those in this Body, we give You thanks.

"We also remember today, Father, those Americans who forty-eight years ago made an overwhelming sacrifice defending our country, so that we are able to meet here to pursue the process of government in an open and free manner.

"We gather today, Father, in this Senate to grapple with a difficult issue. We confess that we hold no special wisdom or perspective on this problem, so we turn as we have so many times before, to You, for guidance. Give us the strength to ask tough questions, but also give to us a spirit of cooperation. Help us to put aside personal distractions and allow us to focus on the task of making thoughtful decisions.

"Thank You, Father, that our concerns are Your concerns. Thank You, that when we honestly seek You, we can rest, knowing that we are heard with a sensitive ear.

"In Your Name, Amen."

In commemoration of those men who sacrificed their lives at Pearl Harbor forty-eight years ago today, the Lieutenant Governor recognizes Senator Ollie Harris of Cleveland County, who leads the members and guests in the gallery pledging allegiance to the United States of America.

The President directs the Reading Clerk to read the following Proclamation convening the General Assembly issued by Governor James G. Martin, November 24, 1989:

STATE OF NORTH CAROLINA

James G. Martin
Governor

PROCLAMATION

In Chapter 168 of the 1989 Session Laws, the General Assembly of North Carolina made legislative findings including (i) that the safe management of hazardous waste, and particularly the timely establishment of adequate facilities for the treatment and disposal of hazardous waste, is one of the most urgent problems facing North Carolina, (ii) that safe management of hazardous waste is essential to protect public health and safety and the environment and to continued economic growth, and (iii) that the most practical approach to hazardous waste management, including compliance with the CERCLA/SARA capacity assurance requirements, is through a regional approach.

To the end that a regional approach to hazardous waste management could be accomplished, Chapter 168 of the 1989 Session Laws authorized me, as Governor, to enter into interstate agreements approved by the General Assembly for the management of hazardous waste.

After the enactment of Chapter 168 of the 1989 Session Laws, negotiations were conducted among representatives of the States of Alabama, Georgia, Florida, Kentucky, Mississippi, South Carolina, Tennessee and North Carolina in an effort to reach an interstate agreement for the management of hazardous waste. As a result of those negotiations, Alabama, Kentucky, South Carolina and Tennessee have entered into such an interstate agreement. Further negotiations with those four states have now resulted in agreed terms for North Carolina to become party to the interstate agreement with Alabama, Kentucky, South Carolina and Tennessee.

I find that this agreement is consistent with the requirements of Chapter 168 of the 1989 Session Laws, would meet the needs of North Carolina for hazardous waste treatment and disposal, and achieve compliance with the CERCLA/SARA capacity assurance requirements. I recommend the agreement to the General Assembly. That being so, it is appropriate that I present the agreement to the General Assembly for its approval, as required by Chapter 168 of the 1989 Session Laws and that an extra session of the General Assembly be convened for that purpose.

As required by Article III, Section 5(7) of the Constitution, I have sought and received the advice of the Council of State concerning the necessity for an interstate agreement and the requirements of Chapter 168 of the 1989 Session Laws and received from them their advice that immediate approval of such an interstate agreement by the General Assembly is in order and that it is appropriate for the General Assembly to be convened into extra session as provided in Article III, Section 5(7) of the Constitution for that purpose. I have also discussed the matter with the Lieutenant Governor, the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives. They are of the same view.

ACCORDINGLY, pursuant to the authority granted to me by Article III, Section 5(7) of the Constitution of North Carolina, I find that the circumstances stated above constitute an "extraordinary occasion" within the meaning of Article III, Section 5(7) and PROCLAIM that the General Assembly is hereby convened in extra session for the purpose of approving the interstate agreement for the management of hazardous waste.

This extra session shall begin December 7, 1989, at 12:00 noon, and shall continue as provided by law and the respective rules of the Senate and House of Representatives until both houses shall have adjourned such special session *sine die*.

December 7, 1989

Done at Lake Norman, Iredell County, North Carolina, this 24th day of November, 1989.

S/James G. Martin

(SEAL)

The roll of the members of the Senate heretofore elected to the 1989 General Assembly, having properly received and subscribed to the oath of office, is called and the following answer the call:

Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Taft, Tally, Walker, and Ward—44.

The President announces a quorum present.

Without objection, the President grants leaves of absence to Senator Martin of Guilford who is attending the Southern Education Improvement Labs meeting in Atlanta; to Senators Odom and Winner due to "unavoidable conflict;" to Senator Simpson due to illness; and to Senator Swain who submitted the following letter to the Office of the Principal Clerk:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

December 1, 1989

Ms. Sylvia Fink
Senate Principal Clerk
North Carolina General Assembly
Legislative Building
Jones Street
Raleigh, North Carolina 27611

Dear Sylvia:

I regret to inform you that I will be unable to attend the Special Session of the North Carolina General Assembly scheduled for December 7, 1989, because I will be admitted into Duke University Medical Hospital on December 5, 1989 and will be confined there for approximately 8 days. My proposed discharge date from Duke is December 13, 1989.

I am sincerely sorry that I will not be able to attend the Special Session, and I hope that I will be allowed an excused absence.

Sincerely,

S/Robert S. Swain

RESIGNATION AND APPOINTMENT

The President announces that the Principal Clerk has on file the following documents relative to the appointment of Constance K. Wilson to fill the vacancy created by the resignation of Senator Laurence A. Cobb from Senatorial District 35:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

August 14, 1989

The Honorable James G. Martin
Governor of North Carolina
Raleigh, North Carolina 27603

Dear Governor:

I hereby resign from the North Carolina Senate effective immediately to assume the position on the North Carolina Utilities Commission to which you appointed me.

Thank you for giving me this opportunity.

Sincerely,
S/Laurence A. Cobb

STATE OF NORTH CAROLINA

James G. Martin
Governor

THE APPOINTMENT OF CONSTANCE K. WILSON
1989
BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA
A PROCLAMATION

WHEREAS, the Honorable Laurence Arthur Cobb, elected Senator from the 35th Senatorial District, 1989 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statutes 163-11 require that the vacancy created by the resignation of the Honorable Laurence Arthur Cobb be filled by appointment of the person recommended by the Executive Committee of the Mecklenberg County Republican Party; and

WHEREAS, the Executive Committee of the Mecklenburg County Republican Party has notified me of its recommendation of Constance K. Wilson of Charlotte, North Carolina, to fill said vacancy,

I do by these presents appoint
Constance K. Wilson
as a member of the
SENATE
1989 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 1st day of September in the year of our Lord, one thousand nine hundred eighty-nine.

S/James G. Martin
Governor of North Carolina

S/Rufus L. Edmisten
Secretary of State

(SEAL)

December 7, 1989

STATE OF NORTH CAROLINA

Department of The Secretary of State

THE 1989 NORTH CAROLINA SENATE

I, RUFUS L. EDMISTEN, Secretary of State of the State of North Carolina, agreeable with law, do hereby certify that LAURENCE ARTHUR COBB, a duly elected and certified member of the North Carolina Senate for the 35th Senatorial District has resigned his seat in the 1989 North Carolina General Assembly, and that CONSTANCE K. WILSON has been appointed by Governor James G. Martin, upon recommendation of the County Executive Committee of the Mecklenburg County Republican Party, to fill the vacancy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

DONE IN OFFICE at Raleigh, this 1st day of September 1989.

S/Rufus L. Edmisten
Secretary of State

(SEAL)

OATH OF OFFICE OF CONSTANCE K. WILSON

"I do solemnly swear that I will support and maintain the Constitution and Laws of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and Laws of said State, not inconsistent with the Constitution of the United States to the best of my knowledge and ability; and I do solemnly and sincerely swear that I will faithfully discharge the duties of my office as a member of the Senate of the 1989 General Assembly of the State of North Carolina to the best of my skill and ability, according to the law, so help me, God."

S/Constance K. Wilson

Sworn to and subscribed before me
this 6th day of September 1989.

S/H. Brent McKnight
District Court Judge
26th Judicial District
Charlotte, NC

The President directs the Sergeant-at-Arms to escort Senator Constance K. Wilson into the Chamber whereupon he extends congratulations and directs her to assume her seat with the full privileges and responsibilities of a Senator of the State of North Carolina.

The President announces documents on file in the Office of the Principal Clerk reflect assignment of Senator Wilson by the President *Pro Tempore* to Seat No. 44, with Seat No. 38 vacated by Senator Cobb being assigned to Senator Paul Smith of Rowan County.

OFFICERS

With no motion offered, the President announces the Officers elected under the provisions of the Constitution of North Carolina, the General Statutes, and the Rules of the 1989 Regular Session, shall serve as the Officers of this Extra Session.

Upon the resignation of Senator Cobb, the President announces the Republican Caucus has selected Senator Donald Kincaid of Caldwell to serve as Minority Leader. (See Appendix)

ADOPTION OF RULES

Senator Barnes offers a motion that the Senate adopt the Permanent Rules of the 1989 Regular Session and the provisions of the Proclamation issued by the Governor on November 24, 1989, as the Permanent Rules governing this Extra Session of the 1989 General Assembly with the provisions of Rules 40, 50, 59, and 59.1 not applicable to a bill to be entitled an act to approve entry by the Governor into an interstate agreement for the management of hazardous waste, as defined in G.S. 130A-290, as set out in the document entitled "Expansion of the SARA Capacity Assurance Regional Agreement" and attachments as filed with the Department of the Secretary of State on 5 December 1989 and to adjourn the 1989 Extra Session of the General Assembly *sine die*, and to allow consideration immediately upon a report by the Committee to which it is referred, which motion prevails.

APPOINTMENT OF COMMITTEES

Senator Barnes, the President *Pro Tempore,* after conferring with the Minority Leader, Senator Kincaid, announces that the Standing and Select Committees of the Senate heretofore appointed during the 1989 Regular Session are hereby appointed to serve during this Extra Session, with the following exceptions:

Senator Paul Smith is appointed Vice-Chairman, of the **Higher Education Committee.**

Senator Constance Wilson is appointed to the following Standing Committees of the Senate:

Appropriations; Appropriations on Justice and Public Safety; Base Budget; Higher Education; Judiciary II; Public Utilities; Rules and Operation of the Senate; State Government; and **Ways and Means.**

MESSAGE FROM THE GOVERNOR

The President directs the Reading Clerk to read a message from the Governor of the State of North Carolina, as follows:

"I have requested your return to Raleigh today in order to consider a matter which requires prompt legislative action.

"For the past six months, representatives of North Carolina have negotiated in good faith with various other states, primarily seven southeastern states comprising EPA Region IV, in an effort to reach an interstate agreement for the management of hazardous waste on a regional basis. Initial efforts to reach an agreement including all states in EPA Region IV broke down when South Carolina, Alabama, Kentucky and Tennessee elected to enter into an agreement among themselves. That agreement however, left open the possibility of subsequent joinder by other states in EPA Region IV. Over the past month, I have had further negotiations with those four states resulting in the agreement before you today providing for North Carolina to join with the states of Alabama, South Carolina, Tennessee and Kentucky for management of hazardous waste on a regional basis.

"The agreement will share the burden of hazardous waste treatment and disposal on an equitable basis and relieve North Carolina of the necessity of providing comprehensive facilities for all forms of treatment and disposal within our own borders.

"I find that the agreement meets this state's needs for hazardous waste treatment and disposal, is consistent with the legislative intent of Chapter 168 of the 1989 Session Laws, and puts North Carolina in compliance with CERCLA/SARA capacity assurance requirements as outlined in Public Law 99-499. As a consequence, North Carolina achieves assured access to hazardous waste management facilities located in the other party states and firmly establishes its eligibility to receive superfund payments in the amount of $23.4 million for which the state has already otherwise qualified, as well as future superfund allocations for clean up of other hazardous waste sites.

"Therefore, on behalf of the State of North Carolina and consistent with law, I have entered into the interstate agreement with the states of Alabama, Kentucky, South Carolina and Tennessee. I commend the agreement to your careful consideration in this extra session and urge its approval in order that it may become effective without delay."

(SEAL) S/James G. Martin

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with the public business of this Extra Session of the 1989 General Assembly as stated in the Proclamation issued by the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
December 7, 1989

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and stands ready to proceed with the public business of the 1989 Extra Session.

Respectfully,
S/Grace A. Collins
Principal Clerk

EXECUTIVE ORDERS

Executive Orders received following adjournment of the First Regular Session of the 1989 General Assembly are presented to the Senate, (see Appendix) read and referred to committee, as follows:

Executive Order Number 97, Amendment to Executive Order Number 80, North Carolina Drug Cabinet.
Referred to **State Government Committee.**

Executive Order Number 98, Hurricane Hugo Relief.
Referred to **Transportation Committee.**

INTRODUCTION OF BILL

Pursuant to the motion of Senator Barnes upon the adoption of Rules, the following bill is presented to the Senate, read the first time, and disposed of as follows:

By Senators Tally, Allran, Barker, Bryan, Chalk, Daniel, Daughtry, Guy, Harris, Johnson of Cabarrus, Kaplan, Kincaid, Marvin, Murphy, Parnell, Raynor, Royall, Shaw, Soles, and Ward:

S.B. 1, a bill to approve entry by the Governor into an interstate agreement for the management of hazardous waste, as defined in G.S. 130A-290, as set out in the document entitled "Expansion of the SARA Capacity Assurance Regional Agreement" and attachments as filed with the Department of the Secretary of State on 5 December 1989 and to adjourn the 1989 Extra Session of the General Assembly *sine die.*

Referred to **Environment and Natural Resources Committee.**

Senator Tally, Chairman of the **Environment and Natural Resources Committee,** announces a meeting immediately upon recess in Room 1124.

Without objection, on motion of Senator Barnes, the Senate stands in recess until 2:00 P.M. for the purpose of a meeting of the **Environment and Natural Resources Committee.**

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

The President announces the receipt of House Concurrent Resolution 18 as passed by the Legislature of the State of Texas. (The text of the resolution appears in the Appendix.)

REPORTS OF COMMITTEES

The following bill is reported from standing committee, read by its title, together with the report accompanying it, and is disposed of, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 1, a bill to be entitled an act to approve entry by the Governor into an interstate agreement for the management of hazardous waste, as defined in G.S. 130A-290, as set out in the document entitled "Expansion of the SARA Capacity Assurance Regional Agreement" and attachments as filed with the Department of the Secretary of State on 5 December 1989 and to adjourn the 1989 Extra Session of the General Assembly *sine die,* with a favorable report.

On motion of Senator Tally, the bill is placed before the Senate for immediate consideration. Senator Tally further offers a motion that George Givens, of the General Research Division of the General Assembly, be granted privileges of the floor for the purpose of assisting in the explanation of the bill, which motion prevails.

Senator Conder offers Amendment No. 1, which reads as follows:

"moves to amend the bill on page 2, between lines 8 and 9, by adding a new section to read:

"Sec. 2.1. Notwithstanding the provisions of Chapter 104G of the General Statutes, a low-level radioactive waste disposal facility shall be sited on property that is owned or leased by a person operating a nuclear reactor for the production of electricity and that is contiguous to property on which the nuclear reactor is located, or on property adjacent to such property, provided that such site meets all applicable federal and State requirements for the issuance of all necessary licenses and permits for the facility."

Senator Johnson of Cabarrus rises to a point of order as to Amendment No. 1 being germane to the bill.

The President takes the point of order under advisement and recognizes Senator Conder to explain the amendment.

Subsequently, the President rules Amendment No. 1 not germane, sets it aside, and the question reverts to the passage of the bill on second reading.

Senator Plyler offers Amendment No. 2, which reads as follows:

"moves to amend the bill on page 2, line between lines 8 and 9, by adding a new section to read as follows:

"Sec. 2.1. No hazardous waste facility may be sited in a county which contains a site that:

(1) Has been selected by the North Carolina Low-Level Radioactive Waste Management Authority as a favorable site area for the location of a low-level radioactive waste disposal facility; and

(2) Is thereafter eliminated from further consideration as the site for a low-level radioactive waste disposal facility."

Senator Johnson of Cabarrus rises to a point of order as to Amendment No. 2 being germane to the bill.

The President rules Amendment No. 2 not germane to the bill, sets it aside, and the question reverts to the passage of the bill on its second reading.

After lengthy debate, Senator Tally calls the previous question, seconded by Senator Johnson of Wake. The call is sustained (37-7).

The bill passes its second (37-7) and third (38-7) readings and is ordered, sent to the House of Representatives by special messenger.

On motion of Senator Barnes, the Senate stands in recess until 5:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Senator Tally offers a motion to the end that the document filed with the Secretary of State entitled "Expansion of the SARA Capacity Assurance Regional Agreement" be spread upon the Journal, which motion prevails, without objection. The document reads as follows:

STATE OF NORTH CAROLINA — **Department of The Secretary of State**

To all whom these presents shall come, Greeting:

I, Rufus L. Edmisten, *Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached (24 sheets) to be a true copy of* "Expansion of the SARA Capacity Assurance Regional Agreement" and attachments filed December 5, 1989, *the original of which is now on file and a matter of record in this office.*

In Witness Whereof, *I have hereunto set my hand and affixed my official seal.*

Done in Office, *at Raleigh, this 8th day of December in the year of our Lord 1989.*

(SEAL)

S/Rufus L. Edmisten
Secretary of State

S/Richard H. Carlton
Deputy Secretary of State

EXPANSION OF THE SARA CAPACITY ASSURANCE REGIONAL AGREEMENT

Pursuant to Section 6. of the SARA Capacity Assurance Regional Agreement, the State of North Carolina, having proposed a plan for siting and construction of future

available capacity for use under that agreement as set out in the attached tables, is hereby made a party state to the agreement and is entitled to all the rights and privileges granted under that agreement to the original party states. If at any time North Carolina is unable to meet the milestone dates set forth in the attached tables, North Carolina will be eliminated automatically from the agreement.

It is agreed that North Carolina accepts and will abide by all provisions, conditions and terms of the original agreement. It is further agreed that the attached tables setting forth North Carolina's proposed capacity for use under the agreement are incorporated by reference into the agreement pursuant to Section 1. of the agreement.

It is further provided that the North Carolina Superfund clean up will be treated on site or at other facilities within North Carolina. Failure to meet this requirement would also eliminate North Carolina from this agreement.

This agreement shall become effective upon revaluation of capacity through the year 2009 as a result of North Carolina's joining the agreement and at the time duplicate originals are signed by the Governor or Authorized Official of every party state including the State of North Carolina.

STATE OF ALABAMA
S/Guy Hunt
Governor Date 11-8-89

STATE OF KENTUCKY
S/Wallace G. Wilkinson
Governor Date 11-9-89

STATE OF NORTH CAROLINA
S/James G. Martin
Governor Date 11-8-89

STATE OF SOUTH CAROLINA
S/Carroll A. Campbell, Jr.
Governor Date 11-21-89

STATE OF TENNESSEE
S/Ned McWherter
Governor Date 11-22-89

(STAMP)
FILED
Dec 5 1989
Secretary of State

ATTACHMENT

North Carolina proposes to establish the following hazardous waste treatment facilities:

A. A 50,000 tons per year rotary kiln incinerator and thermal treatment unit which is capable of combusting liquid and solid hazardous waste and treating ("roasting") contaminated soils.

B. A 15,000 tons per year solvent distillation and recovery unit which is capable of treating and recycling hazardous solvents.

C. A 10,000 tons per year residuals management unit which is capable of disposing of incinerator ash and solvent distillation still bottoms remaining from the rotary kiln incinerator and the solvent distillation and recovery facility.

North Carolina will site and construct these facilities according to the following schedule:

Site Selection	May 1990
Part B Permit Submitted	December 1990
Part B Permit Issued and Construction Begun With No Adverse Litigation Pending	July 1991
Facility Operational	December 1991

In addition, North Carolina agrees to endorse on-site remediation of remaining Superfund cleanup sites.

SARA CAPACITY ASSURANCE REGIONAL AGREEMENT

This Agreement is entered into initially, by and between the States of Alabama, South Carolina, Tennessee, and Kentucky (hereinafter referred to as the Party States). Other states eligible to become Party States are; Georgia, Florida, Mississippi, and North Carolina (hereinafter referred to as the eligible states).

Witness That:

Whereas, it is a requirement under Section 104(c)(9) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767, 42 U.S.C. 9601 et. seq., as amended, and the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613, as amended, (hereinafter referred to as CERCLA), as a condition of receiving non-emergency federal remedial action funding after October 17, 1989, that each State assure that it has adequate capacity to manage the hazardous waste generated in the State and expected to be generated in the State for the next twenty (20) years;

Whereas, it is the desire of the Party States that an eight state regional agreement be entered into in order to provide the framework for a regional approach for the long-term management of hazardous waste;

Whereas, current projections for hazardous waste generated in each Party State demonstrate that no single Party State will likely be able to assure compliance with CERCLA Section 104(c)(9) without access to and availability of additional facilities;

Whereas, it is of the utmost concern of all Party States that waste reduction be promoted, and when appropriate required, to minimize the need for hazardous waste treatment or disposal;

Whereas, the Party States recognize that not all hazardous waste can be eliminated and in those cases the waste must be properly treated or disposed;

Whereas, land disposal is the least preferred method of managing hazardous wastes and in order to reduce potential risk to human health and the environment, reliance on land disposal should be minimized or eliminated;

Whereas each Party State acknowledges that the presence of land disposal units in certain Party States has resulted in a disproportionately large volume of hazardous wastes being shipped to those states;

Whereas, the siting of a hazardous waste management facility within any Party State impacts the other Party States and is of regional concern for the continued proper management of hazardous wastes generated within the Southeastern Region;

Whereas, public health, environmental well-being, and continued economic growth in the Party States are predicated upon the availability of proper and adequate hazardous waste management facilities;

Whereas, it is of utmost concern to the Party States that proper facilities for the management of hazardous wastes be provided while recognizing the individual needs, concerns and constraints of each Party State;

Whereas, each Party State acknowledges that currently its generators rely on facilities located inside and outside of its boundaries;

Whereas, the Party States recognize that hazardous waste is primarily managed by private companies which are regulated by the Party States; and

Whereas, the Party States recognize that the proper management of hazardous wastes will require concerted action by all of the Party States.

Now, therefore, each Party State signing this Agreement agrees to the following terms and conditions:

1. Capacity

Each Party State agrees to provide current or proposed capacity as set forth in its respective capacity assurance plan. These commitments are summarized in the tables of existing capacity, proposed capacity, and timetable for establishing proposed capacity attached hereto and incorporated herein by reference.

2. Access

Each Party State agrees to allow hazardous waste generators located within the borders of any other Party State to utilize hazardous waste management facilities located within its borders.

3. Waste Minimization

Each Party State agrees to implement its program to encourage source reduction and recycling of hazardous wastes generated within its borders.

4. Termination for Cause

If, through any cause, a Party State fails to meet its obligations under this Agreement, as set forth in the attached tables, it will be terminated from this agreement. However, that State may be allowed to re-enter the Agreement based on a renegotiation with the remaining Party States.

5. Periodic Renegotiation

Consistent with EPA's requirement that each state update its capacity assurance plan every two years, these plans may be renegotiated at any time after the initial CERCLA 104(c)(9) capacity assurance certification deadline (October 17, 1989).

6. Agreement Expansion

Eligible states may be added to this Regional Agreement upon approval by existing Party States, provided that a satisfactory showing of new available capacity is demonstrated.

7. Meetings

The Party States shall meet at least annually to discuss their progress toward meeting the goals and projections contained in their individual capacity assurance plans and specifically any activities or events which might impact their ability to provide the current or proposed capacity set forth in Paragraph 1.

8. Residuals Management

Consistent with federal and state laws, the Party States agree to establish a Planning Committee to address the issue of residuals management. The recommendations of the Planning Committee will be forwarded to the Party States not later than one year after this agreement becomes effective.

9. Notification Address

Any notification issued pursuant to this Agreement shall be sent by registered or certified mail to the Governor of the Party State and to the person designated by the Governor of the Party State as the appropriate environmental official.

10. Amendments to this Agreement

This agreement may be amended by agreement of the existing Party States.

Nothing in this Agreement shall be construed to affect the rights and powers of any party State to regulate any hazardous wastes or hazardous waste facility within its borders or to affect the rights and powers of any Party State to tax or impose fees on hazardous waste managed at any hazardous waste facility within its borders, or to affect the rights and powers of any Party State to enter into a separate interstate agreement with any State or group of states other than the Party States so long as the capacity obligated under this Agreement is not further obligated.

In Witness Whereof, the Party States have caused this Agreement to be executed for and on their behalf by their duly authorized officials.

This agreement shall become effective at the time duplicate originals are signed by the Governor or authorized official of every Party State.

State of Alabama
S/Guy Hunt 10-17-89
Governor

State of South Carolina
S/Carroll A. Campbell, Jr. 10-17-89
Governor

State of Tennessee
S/Ned McWherter 10-17-89
Governor

State of Kentucky
S/Wallace G. Wilkinson 10-17-89
Governor

TABLES ATTACHED

Alabama	Table III-5B	1989 Management Demand
Alabama	Table III-5B	1995 Management Demand
Alabama	Table III-5B	2009 Management Demand
Kentucky	Table III-5B	1989 Management Demand
Kentucky	Table III-5B	1995 Management Demand
Kentucky	Table III-5B	2009 Management Demand
Kentucky		Current/Proposed Capacity
South Carolina	Table III-5B	1989 Management Demand
South Carolina	Table III-5B	1995 Management Demand
South Carolina	Table III-5B	2009 Management Demand
Tennessee	Table III-15	1989 Off-site Facilities Projected Demand
Tennessee	Table III-30	1995 Projected Utilized Capacity
Tennessee	Table III-44	2009 Projected Utilized Capacity
Tennessee	Table V-1	New Off-site Capacity
Tennesssee	Table V-2	Development of Capacity Schedule

SOURCE: State of Alabama Capacity Assurance Plan / October 17, 1989

Alabama

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	1989 Maximum Capacity	1989 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	103,600	33,260			33,260	70,340
Solvents recovery	38,100	42,844			42,844	(4,744)
Other recovery	0	0			0	0
Incineration liquids	0	4,433			4,433	(4,433)
Incineration solids/sludges	2,000	15,876			15,876	(13,876)
Energy recovery	29,400	16,269			16,269	13,131
Aqueous inorganic treatment	0	42,784			42,784	(42,784)
Aqueous organic treatment	0	9,718			9,718	(9,718)
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	170,000	15,360			15,360	154,640
Land treatment	0	0			0	0
Landfill	500,500	79,148		285,525	364,673	135,827
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

SOURCE: State of Alabama Capacity Assurance Plan / October 17, 1989

Alabama

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	1995 Maximum Capacity	1995 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	103,600	10,644			10,644	92,956
Solvents recovery	38,100	48,793			48,793	(10,693)
Other recovery	0	0			0	0
Incineration liquids	0	5,114			5,114	(5,114)
Incineration solids/sludges	2,000	61,412			61,412	(59,412)
Energy recovery	29,400	18,484			18,484	10,916
Aqueous inorganic treatment	0	51,132			51,132	(51,132)
Aqueous organic treatment	0	11,176			11,176	(11,176)
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	170,000	15,439			15,439	154,561
Land treatment	0	0			0	0
Landfill	500,500	87,415		230,000*	317,415	183,085
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

*NOTE:
The value for non hazardous waste is an estimated amount which accounts for waste reduction efforts as described in Chapter __ of this plan. Nationally, solid waste reductions have been projected at 30-50% over the next 5 to 20 years. We have used a conservative reduction of about 30% for this projection.

SOURCE: State of Alabama Capacity Assurance Plan / October 17, 1989

Alabama

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	2009 Maximum Capacity	2009 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	103,600	12,025			12,025	91,575
Solvents recovery	38,100	56,189			56,189	(18,089)
Other recovery	0	0			0	0
Incineration liquids	0	6,007			6,007	(6,007)
Incineration solids/sludges	2,000	69,503			69,503	(67,503)
Energy recovery	29,400	21,374			21,374	8,053
Aqueous inorganic treatment	0	58,899			58,899	(58,899)
Aqueous organic treatment	0	13,187			13,187	(13,187)
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	170,000	17,410			17,410	152,590
Land treatment	0	0			0	0
Landfill	500,500	98,313		280,000*	378,313	122,187
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

*NOTE:

The value for non hazardous waste is an estimated amount which accounts for waste reduction efforts as described in Chapter __ of this plan. Nationally, solid waste reductions have been projected at 30-50% over the next 5 to 20 years. We have used a conservative reduction of about 30% for this projection.

THE STATE OF ALABAMA HAS NO PLANS FOR ADDITIONAL CAPACITY.

SOURCE: State of Kentucky Capacity Assurance Plan Tables / October 13, 1989

Kentucky

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	1989 Maximum Capacity	1989 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	0	7,191			7,191	(7,191)
Solvents recovery	11,400	21,767			21,767	(10,367)
Other recovery	0	0			0	0
Incineration liquids	39,220	11,502			11,502	27,718
Incineration solids/sludges	52,148	10,356			10,356	41,792
Energy recovery	22,485	7,407			7,407	15,078
Aqueous inorganic treatment	0	30,060			30,060	(30,060)
Aqueous organic treatment	0	2,358			2,358	(2,358)
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	0	40,534			40,534	(40,534)
Land treatment	0	0			0	0
Landfill	0	34,563			34,563	(34,563)
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

SOURCE: State of Kentucky Capacity Assurance Plan Tables / October 13, 1989

Kentucky

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	1995 Maximum Capacity	1995 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	0	6,493			6,493	(6,493)
Solvents recovery	11,400	23,925			23,925	(12,525)
Other recovery	0	0			0	0
Incineration liquids	54,844	13,075			13,075	41,769
Incineration solids/sludges	131,969	54,278			54,278	77,691
Energy recovery	22,458	7,672			7,672	14,786
Aqueous inorganic treatment	0	32,847			32,847	(32,847)
Aqueous organic treatment	0	2,739			2,739	(2,739)
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	0	8,871			8,871	(8,871)
Land treatment	0	0			0	0
Landfill	0	29,645			29,645	(29,645)
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

SOURCE: State of Kentucky Capacity Assurance Plan Tables / October 13, 1989

Kentucky

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	2009 Maximum Capacity	2009 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	0	6,655			6,655	(6,655)
Solvents recovery	11,400	25,903			25,903	(14,503)
Other recovery	0	0			0	0
Incineration liquids	54,844	15,109			15,109	39,735
Incineration solids/sludges	131,964	67,169			67,169	64,795
Energy recovery	22,485	8,257			8,257	14,228
Aqueous inorganic treatment	0	35,424			35,424	(35,424)
Aqueous organic treatment	0	3,138			3,138	(3,128)
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	0	8,781			8,781	(8,781)
Land treatment	0	0			0	0
Landfill	0	25,572			25,572	(25,572)
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

KENTUCKY

CURRENT AND PROPOSED HAZARDOUS WASTE MANAGEMENT CAPACITY

TONS/YEAR

	Materials Recovery		Incineration	Energy	Aqueous		Residuals
	Metals	Solvents	Liquid Solids	Recovery	Treatment	Stabilization	Mgmt.
CURRENT		11,400	41,220	52,148	22,485		
PROPOSED			15,264	79,821			

SCHEDULE FOR DEVELOPMENT OF PROPOSED CAPACITY

MILESTONES

FACILITY	SITE SELECTION (STATE FACILITY ONLY)	PART B RECEIVED	PART B ISSUED	FACILITY OPERATIONAL
LWD, Inc.* (incinerator)	-			June 1990

* Ownership subject to change

SOURCE: The State of South Carolina Capacity Assurance Plan / October 17, 1989

South Carolina

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	1989 Maximum Capacity	1989 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	28,511	14,725			14,725	13,786
Solvents recovery	55,406	18,175			18,175	37,231
Other recovery	0	0			0	0
Incineration liquids	39,240	35,701			3,163	3,539
Incineration solids/sludges	19,500	3,094			3,094	16,406
Energy recovery	184,732	10,022			10,222	174,710
Aqueous inorganic treatment	0	14,480			14,480	(14,480)
Aqueous organic treatment	0	0			0	0
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	123,187	14,931			14,931	108,256
Land treatment	0	0			0	0
Landfill	135,000	* 26,411			26,411	108,589
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

* 1990 - Capacity will be 120,000 tons.
1991 - Capacity will be 110,000 tons.

SOURCE: The State of South Carolina Capacity Assurance Plan / October 17, 1989

South Carolina

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	1995 Maximum Capacity	1995 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	28,511	17,947			17,947	10,564
Solvents recovery	55,406	22,791			22,791	32,615
Other recovery	0	0			0	0
Incineration liquids	39,420	3,962			3,962	35,458
Incineration solids/sludges	19,500	19,730			19,730	(230)
Energy recovery	184,732	12,461			12,461	172,271
Aqueous inorganic treatment	0	18,898			18,898	(18,898)
Aqueous organic treatment	0	452			452	(452)
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	123,187	8,683			8,683	114,504
Land treatment	0	0			0	0
Landfill	110,000	30,874			30,874	80,126
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

SOURCE: The State of South Carolina Capacity Assurance Plan / October 17, 1989

South Carolina

Table III-5B. Comparison of Maximum Hazardous Waste Management Capacity with Utilized Capacity for Commercial Facilities

SARA Management Category	2009 Maximum Capacity	2009 Management Demand				Remaining Capacity
		Federal Hazardous	Other Hazardous	Nonhazardous	Total	
Metals recovery	28,511	22,086			22,086	6,425
Solvents recovery	55,406	27,818			27,818	27,588
Other recovery	0	0			0	0
Incineration liquids	39,420	4,683			4,683	34,737
Incineration solids/sludges	19,500	22,490			22,490	(2,990)
Energy recovery	184,732	14,296			14,296	170,436
Aqueous inorganic treatment	0	22,501			22,501	(22,501)
Aqueous organic treatment	0	543			543	(543)
Other treatment	0	0			0	0
Sludge treatment	0	0			0	0
Stabilization	123,187	10,059			10,059	113,128
Land treatment	0	0			0	0
Landfill	35,999	35,999			35,999	0
Deep-well injection	0	0			0	0
Other disposal	0	0			0	0

THE STATE OF SOUTH CAROLINA HAS NO PLANS FOR ADDITIONAL CAPACITY

SOURCE: Capacity Assurance Plan For the State of Tennessee/October 17, 1989
1 10/16/89

TABLE III-15. COMPARISON OF PROJECTED MAXIMUM HAZARDOUS WASTE MANAGEMENT CAPACITY WITH PROJECTED DEMAND FOR CAPACITY AT OFF-SITE COMMERCIAL FACILITIES IN 1989
(tons/year)*

SARA Management Category	1989 Maximum Capacity	1989 Management Demand*	Remaining Capacity
Metals Recovery	334,625.0	29,254.0	305,371.0
Solvents Recovery	231,423.0	7,817.8	223,605.2
Other Recovery			
Incineration-Liquids		9,455.5	-9,455.5
Incineration-Solids/Sludges		17,758.0**	-17,758.0
Energy Recovery		8,441.0	-8,441.0
Aqueous Inorganic Treatment	194,252.5	16,323.3	177,929.2
Aqueous Organic Treatment			
Other Treatment			
Sludge Treatment			
Stabilization		42,945.0	-42,945.0
Land Treatment			
Landfill		64,890.2	-64,890.2
Deepwell Injection			
Other Disposal			

* Recurrent and non-recurrent generation.
** Assumes 8,993 tons landfilled.

SOURCE: Capacity Assurance Plan For the State of Tennessee/October 17, 1989
1 10/16/89

TABLE III-30. COMPARISON OF PROJECTED MAXIMUM HAZARDOUS WASTE MANAGEMENT CAPACITY AND PROJECTED UTILIZED CAPACITY FOR OFF-SITE COMMERCIAL FACILITIES IN TENNESSEE IN 1995
(tons/year)

SARA Management Category	1995 Maximum Capacity	1995 Management Demand*	Remaining Capacity
Metals Recovery	334,625.0	31,914.8	302,710.2
Solvents Recovery	906,452.5	9,218.9	897,233.6
Other Recovery		80.3**	-80.3
Incineration-Liquids	31,115.0	10,421.3	20,693.7
Incineration-Solids/Sludges	46,673.0	28,628.4	18,044.6
Energy Recovery	240,192.0	9,966.0	230,226.0
Aqueous Inorganic Treatment	506,655.0	21,126.5	485,528.5
Aqueous Organic Treatment	75,060.0		75,060.0
Other Treatment			
Sludge Treatment	12,000.0		12,000.0
Stabilization		50,483.6	-50,483.6
Land Treatment			
Landfill		62,664.8	-62,664.8
Deepwell Injection			
Other Disposal			

* Recurrent and non-recurrent generation.
** May also be managed by energy recovery.

SOURCE: Capacity Assurance Plan For the State of Tennessee/October 17, 1989
1 10/16/89

TABLE III-44. COMPARISON OF PROJECTED MAXIMUM HAZARDOUS WASTE MANAGEMENT CAPACITY WITH PROJECTED UTILIZED CAPACITY FOR OFF-SITE COMMERCIAL FACILITIES IN TENNESSEE, IN 2009
(tons/year)

SARA Management Category	2009 Maximum Capacity	2009 Management Demand*	Remaining Capacity
Metals Recovery	334,625.0	44,674.2	289,950.8
Solvents Recovery	906,452.5	9807.5	896,645.0
Other Recovery		127.3**	-127.3
Incineration-Liquids	31,115.0	12,105.8	19,009.2
Incineration-Solids/Sludges	46,673.0	18,095.2	28,577.8
Energy Recovery	240,192.0	13,527.1	226,664.9
Aqueous Inorganic Treatment	506,655.0	36,441.9	470,213.1
Aqueous Organic Treatment	75,060.0		75,060.0
Other Treatment			
Sludge Treatment	12,000.0		12,000.0
Stabilization		62,837.7	-62,837.7
Land Treatment			
Landfill		70,901.5	-70,901.5
Deepwell Injection			
Other Disposal			

* Recurrent and non-recurrent generation.
** May also be managed by energy recovery.

— — — — — — — — — — — — — — —

SOURCE: Capacity Assurance Plan for the State of Tennessee/October 17, 1989

TABLE V-1

PROPOSED NEW OFF-SITE COMMERCIAL HAZARDOUS WASTE MANAGEMENT CAPACITY FOR TENNESSEE, TO BE INCORPORATED INTO A REGIONAL CAPACITY ASSURANCE PLAN*

1. OSCO (Nashville) by November 1990:

125,000	tons per year, aqueous inorganic treatment
72,000	tons per year, aqueous organic treatment
12,000	tons per year, sludge treatment
5,212	tons per year, solvents recovery

2. SCA/Chemical Waste Management (Memphis) by March, 1993

260,625	tons per year, aqueous inorganic treatment
31,115	tons per year, liquids incineration
46,673	tons per year, solids incineration

* The regional plan will be adopted by all party states which enter into a Regional Interstate Agreement.

SOURCE: Capacity Assurance Plan For the State of Tennessee/October 17, 1989

TABLE V-2

SCHEDULE OF MILESTONES FOR DEVELOPMENT OF NEEDED CAPACITY

No.	Type of Mgt. Cap. & Facility	Part B Received	Draft Permit Issued	Public Hearing	Permit Decision	Facility Constr. Complete	Testing Completed	Operation Begins
2.	Solvents Recovery: Osco	7/88	8/89	9/89	11/89	10/90	- -	12/90
4.	Incineration Liquid	8/4/88	7/90	9/90?	12/90	6/92	9/92	3/93
5.	Incineration Solids SCA	8/4/88	7/90?	9/90?	12/90	6/92	9/92	3/93
7.	Aqueous Inorganic Treatment OSCO SCA	7/88 8/4/88	8/89	9/89	11/89	10/90	- -	12/90
8.	Aqueous Organic Treatment OSCO	7/88	8/89	9/89	11/89	10/90	- -	12/90
10.	Sludge Treatment OSCO	7/88	8/89	9/89	11/89	10/90		12/90

INTRODUCTION OF BILLS

Senator Barnes moves that Rule 40 be suspended to allow the introduction and referral to the **Committee on Rules and Operation of the Senate** the following bills, which motion prevails by a two-thirds majority vote:

By Senators Sands and Murphy:
S.B. 2, a bill to amend the Constitution of North Carolina to require the General Assembly to enact a comprehensive budget by a specified date.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler, Basnight, Conder, Martin of Pitt, Parnell, Richardson, and Smith:
S.B. 3, a bill to specifically prohibit price gouging during abnormal disruptions of the market for necessary goods and services.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler, Conder, and Smith:
S.B. 4, a bill to place a moratorium on siting of a low-level radioactive waste disposal facility.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Conder, Cochrane, Plyler, and Smith:
S.B. 5, a bill concerning siting of a low-level radioactive waste disposal facility.
Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
December 7, 1989

Mr. President:

It is ordered that a message be sent to the Senate respectfully advising that Honorable Body that the House of Representatives has concluded the public business of the 1989 Extra Session and stands ready to adjourn sine die pursuant to S.B. #1 "A BILL TO BE ENTITLED AN ACT TO APPROVE ENTRY BY THE GOVERNOR INTO AN INTERSTATE AGREEMENT FOR THE MANAGEMENT OF HAZARDOUS WASTE, AS DEFINED IN G.S. 130A-290, AS SET OUT IN THE DOCUMENT ENTITLED "EXPANSION OF THE SARA CAPACITY ASSURANCE REGIONAL AGREEMENT" AND ATTACHMENTS AS FILED WITH THE DEPARTMENT OF THE SECRETARY OF STATE ON 5 DECEMBER 1989 AND TO ADJOURN THE 1989 EXTRA SESSION OF THE GENERAL ASSEMBLY SINE DIE.

Respectfully,
S/Grace A. Collins
Principal Clerk

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

S.B. 1, an act to approve entry by the Governor into an interstate agreement for the management of hazardous waste, as defined in G.S. 130A-290, as set out in the

document entitled "Expansion of the SARA Capacity Assurance Regional Agreement" and attachments as filed with the Department of the Secretary of State on 5 December 1989 and to adjourn the 1989 Extra Session of the General Assembly *sine die*. (Ch. 1)

Senator Harris offers a motion that the Senate adjourn today in memory of Sheriff Robert J. Pleasants, the late husband of Gerda Pleasants, Senate Sergeant-at-Arms, which motion prevails.

The President orders a message sent to the House of Representatives informing that Honorable Body that the Senate has concluded the public business of the 1989 Extra Session as set forth in the Proclamation issued by the Governor, and has ratified **S.B.** 1 providing for adjournment, *sine die*.

Pursuant to the message that the House of Representatives has completed the business before it and has ratified **S.B.** 1, and the Senate having taken a like action, in compliance with Chapter 1 of the Extra Session, the President declares the Senate of the 1989 General Assembly, meeting in Extra Session, adjourned at 5:20 P.M., *sine die*.

James C. Gardner
President of the Senate

Sylvia Morris Fink
Principal Clerk of the Senate

APPENDIX

(See page 10)

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

August 14, 1989

Ms. Sylvia Fink
Senate Principal Clerk
Legislative Building
Raleigh, NC 27611

Dear Sylvia:

I have resigned my seat in the Senate to take a position on the North Carolina Utilities Commission. The Senate Republican caucus has selected Senator Donald R. Kincaid to succeed me as Senate Minority Leader.

It has been a genuine pleasure for me to serve with you over the years.

Sincerely,

S/Laurence A. Cobb

(See page 12)

RESOLUTIONS FROM OTHER STATES

The following resolution is received from another legislative body:

Office of the
SECRETARY OF STATE
THE STATE OF TEXAS

August 7, 1989

The Honorable President of the North Carolina Senate
State Capitol
Raleigh, North Carolina 27601

Dear Mr. President:

Please find enclosed an official copy of House Concurrent Resolution 18, as passed by the 71st Legislature, First Called Session, 1989, of the State of Texas.

This resolution is being sent with the request that you join with Texas to secure this amendment and to restore this nation's banners to their rightful status of treasured reverence.

Very truly yours,
S/George S. Bayoud, Jr..
Secretary of State

— — — — —

THE STATE OF TEXAS
Secretary of State

I, GEORGE S. BAYOUD, JR., Secretary of State of the State of Texas, DO HEREBY CERTIFY that the attached is a TRUE AND CORRECT copy of House Concurrent Resolution 18, passed by the 71st Legislature, First Called Session, 1989, as signed by the Governor on July 18, 1989, and as filed in this office on July 18, 1989.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this 27th day of July, 1989.

(SEAL)

S/George S. Bayoud, Jr.
Secretary of State

H.C.R. No. 18

HOUSE CONCURRENT RESOLUTION

WHEREAS, The United States flag belongs to all Americans and ought not be desecrated by any one individual, even under principles of free expression, any more than we would allow desecration of the Declaration of Independence, Statute of Liberty, Lincoln Memorial, Yellowstone National Park, or any other common inheritance that the people of this land hold dear; and

WHEREAS, The United States Supreme Court, in contravention of this postulate, has by a narrow decision held to be a First Amendment freedom the license to destroy in protest this cherished symbol of our national heritage; and

WHEREAS, Whatever legal arguments may be offered to support this contention, the incineration or other mutilation of the flag of the United States of America is repugnant to all those who have saluted it, paraded beneath it on the Fourth of July, been saluted by its half-mast configuration, or raised it inspirationally in remote corners of the globe where they have defended the ideals of which it is representative; and

WHEREAS, The members of the Legislature of the State of Texas, while respectful of dissenting political views, themselves dissent forcefully from the court decision, echoing the beliefs of all patriotic Americans that this flag is OUR flag, and not a private property subject to a private prerogative to maim or despoil in the passion of individual protest; and

WHEREAS, As stated by Chief Justice William Rehnquist, writing for three of the four justices who comprised the minority in the case, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people--whether it be murder, embezzlement, pollution, or flag burning"; and

WHEREAS, This legislature concurs with the court minority that the Stars and Stripes is deserving of a unique sanctity, free to wave in perpetuity over the spacious skies where our bald eagles fly, the fruited plain above which our mountain majesties soar, and the venerable heights to which our melting pot of peoples and their posterity aspire; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas convened in First Called Session, hereby petition the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from wilful desecration and exempting such desecration from constitutional construction as a First Amendment right; and, be it further

RESOLVED, That official copies of this resolution be prepared and forwarded by the Texas secretary of state to the speaker of the house of representatives and president of the senate of the United States Congress and to all members of the Texas

delegation to that congress, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States; and, be it further

RESOLVED, That a copy of the resolution be prepared and forwarded also to President George Bush, asking that he lend his support to the proposal and adoption of a flag-protection constitutional amendment; and, be it finally

RESOLVED, That official copies likewise be sent to the presiding officers of the legislatures of the several states, inviting them to join with Texas to secure this amendment and to restore this nation's banners to their rightful status of treasured reverence.

Johnson of Collin, Hilderbran, Robinson, Heflin, Finnell, Thomas, Soileau, Chisum, Wentworth, Ovard, Hunter of Taylor, Shine, Polumbo, Waterfield, Craddick, Harrison, Lewis of Tarrant, Hollowell, Swift, Kubiak, VanderVoort, Cuellar of Webb, Guerrero, Willis, Jackson, Culberson, Arnold, Yost, F. Hill of Dallas, Haggerty, A. Smith of Harris, Lewis of Orange, Patterson, Glossbrenner, Taylor, Shea, Repp, Brimer, Uher, Madla, McDonald, Campbell, Telford, Barton, Linebarger, Holzheauser, Lucio, Counts, Oakley, Luna of Bexar, Jones, McWilliams, Hartland, Goolsby, Harris of Brazoria, Park.

Lewis, Alexander, Arnold, Barton, Beauchamp, Berlanga, Blackwood, Blair, Brimer, Cain, Campbell, Carter, Cavazos, Chisum, Clemons, Colbert, Collazo, Conley, Connelly, Counts, Craddick, Crawford, Criss, Cuellar of Webb, Cuellar of Hidalgo, Culberson, Danburg, Delco, Denton, Dutton, Earley, Eckels, Edge, Edwards, Evans, Finnell, Fraser, Garcia, Gavin, Gibson, Glossbrenner, Goolsby, Granoff, Grusendorf, Guerrero, Haggerty, Hammond, Harris of Tarrant, Harris of Brazoria, Harrison, Hartland, Heflin, Hightower, Hilbert, Hilderbran, A. Hill of Dallas, F. Hill of Dallas, P. Hill of Dallas, Hinojosa, Hollowell, Holzheauser, Horn, Hudson of Smith, Hudson of Dallas, Hunter of Taylor, Hunter of Nueces, Hury, Jackson, Johnson of Nacogdoches, Johnson of Collin, Jones, Junell, Kubiak, Kuempel, Laney, Larry, Lewis of Orange, Linebarger, Lucio, Luna of Harris, Luna of Bexar, McCollough, McDonald, McKinney, McWilliams, Madla, Marchant, Martinez, Melton, Morales, Moreno of Hidalgo, Moreno of El Paso, Mowery, Oakley, Ovard, Park, Parker, Patterson, Pennington, Perez, Perry, Pierce, Polumbo, Price, Rangel, Repp, Richardson, Robinson, Robnett, Rodriguez, Rudd, Russell, Saunders, Schlueter, Schoolcraft, Seidlits, Shea, Shelley, Shine, A. Smith of Harris, D. Smith of Harris, Smith of Brazos, Smith of Travis, Smithee, Soileau, Stiles, Swift, Tallas, Taylor, Telford, Thomas, Thompson of Tarrant, Thompson of Harris, Turner, Uher, Valigura, VanderVoort, Vowell, Wallace, Warner, Waterfield, Watkins, Wentworth, Williamson, Willis, Willy, Wilson, Wolens, Wright, Yost.

S/W.P. Hobby
President of the Senate

S/Gib Lewis
Speaker of the House

I certify that H.C.R. No. 18 was adopted by the House on June 23, 1989, by a non-record vote.

S/Betty Murray
Chief Clerk of the House

I certify that H.C.R. No. 18 was adopted by the Senate on July 10, 1989.

S/Betty King
Secretary of the Senate

APPROVED: 7-18-89

S/W. P. Clements, Jr.
Governor

Filed in the Office of the
Secretary of State
4:14 PM O'clock
July 18, 1989
s/George S. Bayoud, Jr.
Secretary of State

EXECUTIVE ORDERS

of the

GOVERNOR OF THE STATE OF NORTH CAROLINA

JAMES G. MARTIN

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B.1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued through December 12, 1989, as summarized below.

The full text of Executive Orders 97 and 98 can be found in the *Session Laws of the 1989 General Assembly, Second Session 1990.*

Executive Order	*Title*	*Date of Issuance*
97	**Amendment to Executive Order Number 80 North Carolina Drug Cabinet**	9/26/89

Adds Secretary of Environment, Health and Natural Resources to the membership of the Cabinet.

98	**Hurricane Hugo Relief**	11/3/89

Waives weight restrictions on vehicles transporting trees and by-products coming out of South Carolina provided that: (1) the weight does not exceed maximum established by manufacturer; (2) the vehicles travel only on primary and interstate routes established by the Department of Transportation, and (3) that upon entering North Carolina vehicles stop at first available weight station and provide identification that the load is part of the Hurricane Hugo Relief. Furthermore, the vehicles described will be exempt from the vehicle licensing and tax requirements of N.C.G.S. 105, Chapter 5, Article 36B. Remains in effect until December 4, 1989.

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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

EXTRA SESSION

MARCH — 1990

OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA
GENERAL ASSEMBLY
EXTRA SESSION MARCH — 1990

JAMES C. GARDNER, President ..... Rocky Mount
HENSON P. BARNES, President Pro Tempore ..... Goldsboro
KENNETH C. ROYALL, JR., Deputy President Pro Tempore ..... Durham
SYLVIA M. FINK, Principal Clerk ..... Raleigh
LEROY CLARK, JR., Reading Clerk ..... Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms ..... Cary

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1	MARC BASNIGHT	Manteo
2	FRANK W. BALLANCE, JR.	Warrenton
3	WILLIAM H. BARKER	Oriental
4	A. D. GUY	Jacksonville
5	WENDELL HOLMES MURPHY	Rose Hill
6	R. L. MARTIN	Bethel
7	FRANKLIN BLOCK	Wilmington
8	HENSON P. BARNES	Goldsboro
9	THOMAS F. TAFT	Greenville
10	JAMES E. EZZELL, JR.	Rocky Mount
11	JAMES D. SPEED	Louisburg
12	JOE B. RAYNOR	Fayetteville
	LURA S. TALLY	Fayetteville
13	KENNETH C. ROYALL, JR.	Durham
	RALPH A. HUNT	Durham
14	JOSEPH E. JOHNSON	Raleigh
	WILLIAM W. STATON	Sanford
	J. K. SHERRON, JR.	Raleigh
15	N. LEO DAUGHTRY	Smithfield
16	RUSSELL G. WALKER	Asheboro
	WANDA H. HUNT*	Pinehurst
	HOWARD N. LEE	Chapel Hill
17	J. RICHARD CONDER	Rockingham
	AARON W. PLYLER	Monroe
18	R. C. SOLES, JR.	Tabor City
19	ROBERT G. SHAW	Greensboro
20	MARVIN M. WARD	Winston-Salem
	TED KAPLAN	Lewisville
21	GEORGE B. DANIEL	Yanceyville
22	JAMES C. JOHNSON, JR.	Concord
23	PAUL S. SMITH	Salisbury
	BETSY L. COCHRANE	Advance
24	WILLIAM D. GOLDSTON, JR.	Eden
	A. P. SANDS III	Reidsville
25	J. OLLIE HARRIS	Kings Mountain
	HELEN RHYNE MARVIN	Gastonia
	MARSHALL A. RAUCH	Gastonia
26	AUSTIN M. ALLRAN	Hickory
	HOWARD F. BRYAN	Statesville
27	DONALD R. KINCAID	Lenoir
	DANIEL R. SIMPSON	Morganton
28	ROBERT S. SWAIN	Asheville
	DENNIS J. WINNER	Asheville
29	ROBERT C. CARPENTER	Franklin
	CHARLES WHEELER HARDIN	Canton
30	DAVID RUSSELL PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	RICHARD E. CHALK, JR.	High Point
33	JAMES F. RICHARDSON	Charlotte
34	T.L. ODOM	Charlotte
35	CONSTANCE K. WILSON	Charlotte

*(Resigned 1/31/90)(Unexpired Term Filled 2/9/90)

SENATE JOURNAL
EXTRA SESSION
MARCH—1990

FIRST DAY

SENATE CHAMBER,
Tuesday, March 6, 1990.

In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by the Governor on February 28, 1990, the Senate of the North Carolina General Assembly convenes in Extra Session at the hour of 12:00 Noon in the Senate Chamber of the State Legislative Building in the City of Raleigh.

The Honorable James C. Gardner, Lieutenant Governor and President of the Senate, presides and calls the Senate to order.

Prayer is offered by the Reverend Steve Lucas, Senate Chaplain, as follows:

"Father, we gather here today to address a complex and troubling problem in our State.

"And so we come to You seeking wisdom, expertise and knowledge, knowing that the efforts put forth here today can and will make a difference.

"Remind us Father, that crime many times is the result of poverty; not only material poverty, but poverty of the soul and the mind. As we wrestle with this problem, cause us to be aware not only of the results of crime but also the origins of crime within individuals and within our society. Motivate each of us to love our families, friends, businesses and communities enough to look for trouble signs early that spell out a sense of despair, a loss of hope. For where hope is not, therein lie the seeds of brokenness and selfishness.

"We also ask for Your Presence to be with a member of this Body who is battling a serious illness. Be with him and comfort him.

"Father, for safe travels and productive work for this Body, we give You thanks. We acknowledge You as the Provider of all things good and strong.

"In Your name we pray. Amen."

Led by the Lieutenant Governor, members and distinguished guests remain standing and pledge allegiance to the United States of America.

The President lays before the Senate the Proclamation issued February 28, 1990, by Governor James G. Martin convening the General Assembly. The text of the Proclamation is as follows:

STATE OF NORTH CAROLINA

James G. Martin
Governor

PROCLAMATION

The Department of Correction has faced and continues to face a crisis in the management of the inmate population of the State's prisons as a result of prison overcrowding and lawsuits incident thereto.

In 1987, the General Assembly responded to the crisis by, among other things, enacting the Emergency Prison Population Stabilization Act. A salient feature of the Act was the imposition of an inmate population "cap" and a requirement that when the "cap" is violated it becomes mandatory that inmates be paroled in sufficient numbers to bring the prison population below that figure.

Initially, the Act's "cap" provisions worked well. Each time the "cap" was violated the Parole Commission identified inmates it felt could be safely paroled and the inmate population was reduced below the maximum. But as prison admissions continued to increase and the pool of inmates found by the Parole Commission to be suitable for parole shrank, overcrowding again reached crisis proportions. In early 1989 and as a result of a special message to the General Assembly, the "cap trigger" was raised.

Notwithstanding the best efforts of all concerned, prison admissions have continued to rise and the Department of Correction again is faced with there being more inmates admitted than the prison system can handle. Worse, not only is the inmate population "cap" being repeatedly exceeded, but to meet the requirements of the "cap" law the Parole Commission is having to parole inmates that it otherwise would not consider for parole. Circumstances again have reached the point that the inmate population "cap" must be raised or else inmates may be released from prison on parole who, in the opinion of the Parole Commission, should continue to be confined. The imminent availability of newly constructed prison facilities now makes it appropriate to raise this "cap."

I have sought and received the advice of the Council of State that the circumstances facing the Department of Correction constitutes an extraordinary occasion within the meaning of Article III, Sec. 5(7) of the Constitution, that immediate action by the General Assembly is required and that the General Assembly should be convened into extra session to address the matter. I have also discussed the circumstances with the Lt. Governor, the President *Pro Tempore* of the Senate and the Speaker of the North Carolina House of Representatives. They are of the same view.

ACCORDINGLY, pursuant to the authority granted to me by Article III, Sec. 5(7) of the Constitution of North Carolina, I find that the circumstances facing the Department of Correction constitute an extraordinary occasion within the meaning of Article III, Sec. 5(7) of the Constitution of North Carolina and PROCLAIM that the General Assembly is hereby convened in extra session for the purpose of considering legislation to raise the inmate population "cap" for the State's prison system and take such other action incident thereto as is deemed appropriate.

This extra session shall begin March 6, 1990, at 12:00 noon, and shall continue as provided by law and the rules of each House until both Houses shall have adjourned *sine die*.

Done in Raleigh, North Carolina, this 28th day of February, 1990.

(SEAL)

S/James G. Martin
Governor

March 6, 1990

The roll of the members of the Senate heretofore elected to the 1989 General Assembly, having properly received and subscribed to the oath of office, is called and the following answer the call:

Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—48.

The President announces a quorum present.

Without objection, the President grants a leave of absence to Senator Swain who is preparing for the wedding of his daughter.

RESIGNATION AND APPOINTMENT

The President announces that on file in the office of the Principal Clerk are documents relative to the resignation of Senator Wanda H. Hunt from Senatorial District 16, and to the appointment of Howard N. Lee to fill the vacancy created, as follows:

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27611

January 18, 1990

Mrs. Sylvia Fink, Principal Clerk
North Carolina Senate Chamber
Legislative Building
Raleigh, North Carolina 27611

Dear Sylvia:

It is with great reluctance I announce that I will not be a candidate for re-election to a fifth term in the North Carolina Senate from the 16th Senatorial District. This is to inform you of my resignation effective January 31, 1990, and I will thank you to inform members of the North Carolina Senate. By copy of this letter, I am informing The Honorable James C. Gardner, Lt. Governor.

My resignation is necessary so that I may pursue my professional career interest at this time. I have accepted a position with the Child Support Program in the North Carolina Department of Human Resources. With resignation there would not be "thoughts" of any conflict of interest, accusations, or infringements.

My service as a North Carolina Senator has been both dedicated and enjoyable and I assure you that I have always exerted every effort to serve the people of this state in an honorable manner. I have met and served with some of the most wonderful people in North Carolina and have the greatest respect for their dedication, ability, and most of all their willingness to serve the people. I will carry with me the experience of the past seven years and sincerely wish continued success to one and all, especially those dear people who became friends instead of acquaintances. I wish for those who are now serving, and for those who will serve in the future, every success in their efforts to serve the people of their districts in the great State of North Carolina.

Yours in service and great respect.

Sincerely,

S/Wanda H. Hunt

STATE OF NORTH CAROLINA

THE APPOINTMENT OF HOWARD N. LEE
1990
BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA
A PROCLAMATION

WHEREAS, the Honorable Wanda H. Hunt, elected Senator from the 16th Senatorial District, 1989 General Assembly, has resigned her office; and

WHEREAS, the provisions of General Statutes 163-11 require that the vacancy created by the resignation of the Honorable Wanda H. Hunt be filled by appointment of the person recommended by the 16th Senatorial District Executive Committee of the Democratic Party; and

WHEREAS, the 16th Senatorial District Executive Committee of the Democratic Party has notified me of its recommendation of Howard N. Lee of Chapel Hill, North Carolina, to fill said vacancy,

I do by these presents appoint
Howard N. Lee
as a member of the
SENATE
1989 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 9th day of February in the year of our Lord, one thousand nine hundred ninety.

S/James G. Martin
Governor of North Carolina

S/Rufus L. Edmisten
Secretary of State (SEAL)

The President directs Senators Rauch, Walker, and Hunt of Durham to escort Senator Howard N. Lee into the Chamber, whereupon he extends congratulations. The President announces Senator Lee will take and subscribe to his Oath of Office later today during a previously scheduled ceremony at which time Senator Lee will assume full privileges and responsibilities of a Senator of the General Assembly of the State of North Carolina. The President announces documents on file in the Office of the Principal Clerk reflect assignment of Senator Lee by the President *Pro Tempore* to Seat No. 16, and directs him to assume his seat, without privileges.

OFFICERS

With no motion offered, the President announces the Officers elected under the provisions of the Constitution of North Carolina, the General Statutes, and the Rules of the 1989 Regular Session, shall serve as the Officers of this Extra Session.

ADOPTION OF RULES

Senator Winner offers a motion that the Senate adopt the Permanent Rules of the 1989 Regular Session as the Permanent Rules governing this Extra Session of the 1989

General Assembly with the provisions of Rules 40, 50, 59, and 59.1 not applicable to a bill to be entitled an act to amend the Prison Population Stabilization Act to raise the population cap and to adjourn the 1990 Extra Session of the General Assembly *sine die*, which motion prevails.

APPOINTMENT OF STANDING COMMITTEES

Senator Barnes, President *Pro Tempore*, after conferring with the Minority Leader, Senator Kincaid, appoints to the Standing Committees of this Extra Session all appointments made to the 1989 Regular Session and the Extra Session of December, 1989, with the following changes:

Senator Howard N. Lee is appointed to the following Standing Committees, effective upon his subscription to his Oath of Office:

Appropriations; Appropriations on Natural and Economic Resources; Base Budget; Education; Environment and Natural Resources; Finance; Judiciary III; Local Government and Regional Affairs; State Personnel; Veteran Affairs, Law Enforcement, and Senior Citizens; and **Ways and Means.**

Senator T. L. "Fountain" Odom is appointed Chairman of the **State Personnel Committee.**

Senator James C. Johnson, Jr. is appointed Vice-Chairman and Senator Robert C. Carpenter is appointed Ranking Minority Member of the **Veteran Affairs, Law Enforcement, and Senior Citizens Committee.**

Senator Howard F. Bryan is appointed Ranking Minority Member of the **Appropriations on Justice and Public Safety Committee.**

Senator N. Leo Daughtry is appointed Ranking Minority Member of the **Judiciary II Committee.**

Senator Donald R. Kincaid is appointed Ranking Minority Member of the **Rules and Operation of the Senate Committee.**

Senator Charles W. Hardin is appointed Ranking Minority Member of the **Appropriations on General Government Committee.**

Senator Daniel R. Simpson is appointed Ranking Minority Member of the **Judiciary I Committee.**

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with the public business of this Extra Session of the 1989 General Assembly as stated in the Proclamation issued by the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 6, 1990

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and stands ready to proceed with the public business of the 1990 Extra Session.

Respectfully,
S/Grace A. Collins
Principal Clerk

March 6, 1990

INTRODUCTION OF BILL

The following bill is presented to the Senate, read the first time, and disposed of as follows:

By Senators Parnell, Kincaid, and Royall:

S.B. 1, a bill to amend the Prison Population Stabilization Act to raise the population cap and to adjourn the 1990 Extra Session of the General Assembly *sine die.*

Referred to **Rules and Operation of the Senate Committee.** (see Appendix)

EXECUTIVE ORDERS

Executive Orders received following adjournment of the Extra Session, December 7, 1989 of the 1989 General Assembly (see Appendix) are presented to the Senate, read and referred to committee, as follows:

Executive Order Number 99, Governor's Commission on Reduction of Infant Mortality.

Referred to **Human Resources Committee.**

Executive Order Number 100, Extension of Executive Order Number 98, Hurricane Hugo Relief.

Referred to **State Government Committee.**

Executive Order Number 101, Amending Executive Order Number 55 extending expiration date of Executive Order Number 55, Martin Luther King Holiday Commission.

Referred to **State Government Committee.**

Executive Order Number 102, Amendment to Executive Order Number 88 Columbus Voyages Quincentenary Commission.

Referred to **State Government Committee.**

Executive Order Number 103, Extension of Executive Order Number 100, Hurricane Hugo Relief.

Referred to **Transportation Committee.**

Executive Order Number 104, Amending Executive Order Number 90, Governors Advisory Council on Literacy.

Referred to **State Government Committee.**

Executive Order Number 105, Extending expiration date of Executive Orders Number 3 and Number 51, North Carolina Advisory Council on Vocational Education.

Referred to **Education Committee.**

REPORT OF THE NORTH CAROLINA FARMWORKER COUNCIL

Pursuant to G.S. 143B-426.25, the North Carolina Farmworker Council submits its annual report to the Senate on February 1, 1990. The Report is presented to the Senate and is ordered placed on file in the Legislative Library. (See Appendix)

Senator Winner, Chairman of the **Rules and Operation of the Senate Committee,** announces a committee meeting upon recess to consider **S.B. 1,** a bill to amend the Prison Population Stabilization Act to raise the population cap and to adjourn the 1990 Extra Session of the General Assembly *sine die.*

The Chair declares the Senate in recess for the purpose of a committee meeting.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORT OF COMMITTEE

Senator Winner, Chairman, for the **Rules and Operation of the Senate Committee**, submits the following report:

S.B. 1, a bill to amend the Prison Population Stabilization Act to raise the population cap and to adjourn the 1990 Extra Session of the General Assembly *sine die*, with a favorable report.

On motion of Senator Winner, the bill is placed before the Senate for immediate consideration.

Without objection, on motion of Senator Johnson of Wake, his question to Senator Winner regarding **S.B. 1** and the answer of Senator Winner are spread upon the Journal, as follows:

Senator Johnson of Wake: "Senator Winner, I believe that you were in Committee today. Is it your understanding, the testimony before the Committee, that this bill in no way affects the obligations of counties in the operations of their jails?"

Senator Winner: "That question was asked by you in the Committee and as I understood the person from the Attorney General's staff who was there, that they affirmed that this has nothing to do with counties and the operation of their jails."

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of as follows:

H.B. 1, a bill to amend the Prison Population Stabilization Act to raise the population cap and to adjourn the 1990 Extra Session of the General Assembly *sine die*, with Amendment No. 1 not engrossed.

Referred to **Rules and Operation of the Senate Committee.**

Senator Winner, Chairman of the **Rules and Operation of the Senate Committee** announces a meeting upon recess.

The Chair declares the Senate in recess for the purpose of a committee meeting.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORT OF COMMITTEE

Senator Winner, Chairman, for the **Rules and Operation of the Senate Committee**, submits the following report:

H.B. 1, a bill to amend the Prison Population Stabilization Act to raise the population cap and to adjourn the 1990 Extra Session of the General Assembly *sine die*, with a favorable report.

On motion of Senator Winner, the bill is placed before the Senate for immediate consideration, and he is recognized to explain the measure.

The bill passes its second (38-0) and third readings and is ordered enrolled.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 1, an act to amend the Prison Population Stabilization Act to raise the population cap and to adjourn the 1990 Extra Session of the General Assembly *sine die*. (Ch. 1)

The President orders a message sent to the House of Representatives informing that Honorable Body that the Senate has concluded the public business of the 1990 Extra Session as set forth in the Proclamation issued by the Governor, and has ratified **H.B. 1** providing for adjournment, *sine die*.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 6, 1990

Mr. President:

It is ordered that a message be sent to the Senate respectfully advising that Honorable Body that the House of Representatives has concluded the public business of the 1990 Extra Session and stands ready to adjourn *sine die* pursuant to H.B. #1 "A BILL TO BE ENTITLED AN ACT TO AMEND THE PRISON POPULATION STABILIZATION ACT TO RAISE THE POPULATION CAP AND TO ADJOURN THE 1990 EXTRA SESSION OF THE GENERAL ASSEMBLY *SINE DIE*",

Respectfully,
S/Grace A. Collins
Principal Clerk

Pursuant to the message that the House of Representatives has completed the business before it and has ratified **H.B. 1**, and the Senate having taken a like action, in compliance with Chapter 1 of the Extra Session, the President declares the Senate of the 1989 General Assembly, meeting in Extra Session, adjourned at 2:15 P.M., *sine die*.

James C. Gardner
President of the Senate

Sylvia Morris Fink
Principal Clerk of the Senate

March 6, 1990

APPENDIX

(See page 10)

NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATE
RALEIGH 27611

March 1, 1990

The Honorable Dennis Winner
81B Central Avenue
Asheville, North Carolina 28801

Dear Dennis:

Pursuant to G.S. 120-19.6, I am authorizing you, as Chairman of the Senate Committee on Rules and Operation of the Senate, to call a meeting of the Committee on March 6, 1990, in preparation for the special session at noon on that date.

Sincerely yours,
S/Henson P. Barnes
President Pro Tempore

(See page 10)

North Carolina
Department of Administration

North Carolina Farworker Council

February 1, 1990

Mrs. Sylvia Fink
Principal Clerk
North Carolina Senate
State Legislative Building
Raleigh, North Carolina 27611

Dear Mrs. Fink:

The North Carolina Farmworker Council was established to study and evaluate the existing system of services to farmworkers and make recommendations to the Governor and the General Assembly. Pursuant to G.S. 143B-426.25, the Council shall report its activities for the preceding calendar year to the Governor and the General Assembly by February 1. Attached is a copy of the Council's annual report.

Sincerely,
S/Marilyn E. Foote-Hudson
Director

EXECUTIVE ORDERS

of the

GOVERNOR OF THE STATE OF NORTH CAROLINA

JAMES G. MARTIN

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B.1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued through March 6, 1990, as summarized below.

The full text of Executive Orders 99 through 105 can be found in the *Session Laws of the 1989 General Assembly, Second Session 1990.*

Executive Order	*Title*	*Date of Issuance*

99 **Governor's Commission on Reduction of Infant Mortality** 12/13/89

Establishes Commission of 27 members with staggered terms of three years; reports annually to the Governor and General Assembly; the purpose is to assess existing programs, coordinate State/private enterprise programs, with an emphasis on prenatal education and care; prohibits State funding.

100 **Extension of Executive Order Number 98, Hurricane Hugo Relief** 12/14/89

Extends the expiration date of Executive Order Number 98 (see text in Session Laws of the 1989 General Assembly, Second Session 1990), until February 3, 1990, to allow vehicles from within North Carolina to transport trees uprooted or damaged by Hurricane Hugo, subject to certain conditions.

101 **Extends Executive Order Number 55, Martin Luther King, Jr. Holiday Commission** 12/21/89

Extends the expiration date of the Martin Luther King, Jr. Holiday Commission until September 30, 1991. (See text in Session Laws of the 1987 General Assembly, Second Session 1988.)

102 **Amendment to Executive Order Number 88 Columbus Voyages Quincentenary Commission** 12/21/89

Amends Executive Order Number 88 (see text in Session Laws of the 1989 General Asembly, Regular Session), by transferring the Columbus Voyages Quincentenary Commission from the Department of Administration to the Department of Cultural Resources. Administrative support, and reimbursement of expenses responsibility of the Department of Cultural Resources.

103 **Extension of Executive Order Number 100 Hurricane Hugo Relief** 2/6/90

Extends Executive Order Number 98, Hurricane Hugo Relief, as extended by Executive Order Number 100 (see above), to remain effective until April 15, 1990, with certain additional guidelines.

104 **Amending Executive Order Number 90** 2/8/90
Governor's Advisory Council on Literacy

Amends Executive Order Number 90 (see text in Session Laws of the 1989 General Assembly, Regular Session), by adding the Secretary of the Department of Cultural Resources (or designee) to the membership.

105 **Extending Executive Order Number 3** 2/8/90
North Carolina Advisory Council on Vocational Education

Extends Executive Order Number 3 (see text in Session Laws of the 1985 General Assembly, First Session), as extended by Executive Order Number 51 (see text in Session Laws of the 1987 General Assembly, First Session), to remain effective until May 15, 1991.

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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

1989 SESSION
SECOND SESSION

1990

OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA
1989 GENERAL ASSEMBLY
SECOND SESSION 1990

JAMES C. GARDNER, President ..... Rocky Mount
HENSON P. BARNES, President Pro Tempore ..... Goldsboro
KENNETH C. ROYALL, JR., Deputy President Pro Tempore ..... Durham
SYLVIA M. FINK, Principal Clerk ..... Raleigh
LEROY CLARK, JR., Reading Clerk ..... Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms ..... Cary

DISTRICT	NAME OF SENATOR	CITY of RESIDENCE
1	MARC BASNIGHT	Manteo
2	FRANK W. BALLANCE, JR.	Warrenton
3	WILLIAM H. BARKER	Oriental
4	A. D. GUY	Jacksonville
5	WENDELL HOLMES MURPHY	Rose Hill
6	R. L. MARTIN	Bethel
7	FRANKLIN BLOCK	Wilmington
8	HENSON P. BARNES	Goldsboro
9	THOMAS F. TAFT	Greenville
10	JAMES E. EZZELL, JR.	Rocky Mount
11	JAMES D. SPEED	Louisburg
12	JOE B. RAYNOR	Fayetteville
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	J. K. SHERRON, JR.	Raleigh
15	N. LEO DAUGHTRY	Smithfield
16	RUSSELL G. WALKER	Asheboro
	HOWARD N. LEE	Chapel Hill
17	J. RICHARD CONDER	Rockingham
	AARON W. PLYLER	Monroe
18	R. C. SOLES, JR.	Tabor City
19	ROBERT G. SHAW	Greensboro
20	MARVIN M. WARD	Winston-Salem
	TED KAPLAN	Lewisville
21	GEORGE B. DANIEL	Yanceyville
22	JAMES C. JOHNSON, JR.	Concord
23	PAUL S. SMITH	Salisbury
	BETSY L. COCHRANE	Advance
24	WILLIAM D. GOLDSTON, JR.	Eden
	A. P. SANDS III	Reidsville
25	J. OLLIE HARRIS	Kings Mountain
	HELEN RHYNE MARVIN	Gastonia
	MARSHALL A. RAUCH	Gastonia
26	AUSTIN M. ALLRAN	Hickory
	HOWARD F. BRYAN	Statesville
27	DONALD R. KINCAID	Lenoir
	DANIEL R. SIMPSON	Morganton
28	ROBERT S. SWAIN*	Asheville
	HERBERT LEE HYDE	Asheville
	DENNIS J. WINNER	Asheville
29	ROBERT C. CARPENTER	Franklin
	CHARLES WHEELER HARDIN	Canton
30	DAVID RUSSELL PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	RICHARD E. CHALK, JR.	High Point
33	JAMES F. RICHARDSON	Charlotte
34	T.L. ODOM	Charlotte
35	CONSTANCE K. WILSON	Charlotte

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SENATE JOURNAL
SECOND SESSION 1990

ONE HUNDRED TWENTY-NINTH DAY

SENATE CHAMBER,
Monday, May 21, 1990.

The Senate meets pursuant to adjournment as provided by Resolution 34 and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, as we come together today to set our minds and hearts to the task ahead, we would like to pause for a moment to give thanks for the many ways You have exhibited Your love to us in the days since we were last together. Thank You also for safe travels to and from this place.

"Now, Father, direct out energies and strengths, and help us to confront our weaknesses and shortcomings as we seek to do those things which this Body is empowered to do that will benefit the people of this State.

"Be with these Senators and Representatives and all those who work with them. Be with their families. Remind us that in difficult times such as these, You give to us these words of comfort that You did not promise to us an easy life, but You did promise to us Your help and strength to live it with courage and purpose.

"In Your strong Name, we pray. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Saturday, August 12, 1989, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senator Allran who "needs to be in Hickory, N.C. for a conference" and to Senator Ballance who is in court in Chowan County.

The Chair announces that the oath of office administered and subscribed to by the Honorable Howard N. Lee on March 6, 1990, has been received and is on file in the Office of the Principal Clerk, as follows:

OATH OF OFFICE

BOOK 841 PAGE 199 CERTIFIED COPY

16th Senate District
Orange, Chatham, Moore & Randolph Counties
State of North Carolina

I, Howard N. Lee, do solemnly and sincerely swear and affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional Powers and Authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Consititution of the United States, to the best of my knowledge and ability; so help me God.

I will well and truly execute the duties of the office of Senator for the Sixteenth (16th) Senatorial District of North Carolina, according to the best of my skill and ability; according to law; so help me God.

S/Howard N. Lee (SEAL)

Sworn and Subscribed to before me
this the 6th day of March, 1990.

S/Betty June Hayes (SEAL)
Register of Deeds,
Orange County, NC

(SEAL)

FILED
BOOK # 841 PAGE#199
MAR 7 10:48 AM '90
BETTY JUNE HAYES
REGISTER OF DEEDS
ORANGE COUNTY, N.C.

Done this 6th day of March, 1990
Superior Court Room, Chatham County
Pittsboro, NC

The Chair extends courtesies of the gallery to the delegation from Eastern Europe sponsored by the North Carolina Partners for Democracy Foundation. The group is living and working in North Carolina under the Fellowship Program in cooperation with the National Forum Foundation.

On motion of Senator Shaw, courtesies of the gallery are extended to Marie Gardner, wife of the Lieutenant Governor.

EXECUTIVE ORDERS

Executive Orders received since March 6, 1990, are presented to the Senate, read, and referred to committee, as follows: (See Appendix)

Executive Order Number 106, Amending Executive Order Number 66, State Employees Combined Campaign, Extending Expiration Date from January 29, 1990 to 1992.
Referred to **State Government Committee.**

Executive Order Number 107, Establishes North Carolina Governor's Commission on Workforce Preparedness.
Referred to **Higher Education Committee.**

Executive Order Number 108, Reestablishment of North Carolina Drug Cabinet and Rescission of Executive Orders 80, 81, 97.
Referred to **State Government Committee.**

Executive Order Number 109, Establishes The North Carolina Sports Development Commission.
Referred to **State Government Committee.**

Executive Order Number 110, Establishes Governor's Advisory Council on International Trade.
Referred to **State Government Committee.**

Executive Order Number 111, Amendment and Extension of Executive Order Number 45, Governor's Language Institutes Advisory Board.
Referred to **State Government Committee.**

Executive Order Number 112, Restructuring and Reestablishing Governor's Advisory Commission on Travel and Tourism.
Referred to **State Government Committee.**

Executive Order Number 113, Establishes Committee on Governor's Conferences on Library and Information Services.
Referred to **State Government Committee.**

Executive Order Number 114, Budget Administration.
Referred to **Ways and Means Committee.**

APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

May 7, 1990

The Honorable James C. Gardner
Lieutenant Governor of North Carolina
State Capitol
Raleigh, North Carolina 27611

Dear Lieutenant Governor Gardner:

Pursuant to North Carolina General Statute 126-2, I am appointing Mr. Robert M. Frazer of Mecklenburg County to the State Personnel Commission to replace Mr. Malachi Greene. His term will begin immediately and will expire on June 30, 1995. I hereby submit his name to the General Assembly for confirmation.

Sincerely,
S/James G. Martin
Governor

Referred to **State Personnel Committee.**

Senator Staton rises to a point of personal privilege and directs the attention of the membership to the historical quilt depicting the history and landmarks of Harnett County which is on display in the Rotunda of the Legislative Building.

REPORTS TO GENERAL ASSEMBLY

The Chair announces that reports from Boards, Commissions, and Agencies directed to report to the 1989 General Assembly are received in the Office of the Principal Clerk, and without objection, orders the reports placed on file in the Legislative Library. (See Addendum)

On motion of Senator Barnes, seconded by Senator Johnson of Wake, the Senate adjourns at 8:35 P.M. to meet tomorrow, May 22, at 12:30 P.M.

ONE HUNDRED THIRTIETH DAY

SENATE CHAMBER,
Tuesday, May 22, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, it is good sometimes to remember words spoken by another, at another time, yet equally appropriate to this place, this time.

"Father, grant to us the composure 'to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference.' Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, May 21, 1990, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Goldston for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Johnson of Wake, Barker, Lee, Sands, Sherron, and Staton:

S.B. 1338, a bill to award a performance pay increase in the form of a one-time, lump-sum bonus for the year to any State employee who is eligible for such an increase and who is at the top of a pay scale.

Referred to **State Personnel Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1339, a bill to appropriate funds to the North Carolina Housing Trust Fund.

Referred to **Appropriations Committee.**

By Senator Daughtry:

S.B. 1340, a bill to provide for the election of the Board of Commissioners of Sampson County, to reflect the system adopted under a consent decree in the case of United States of America v. Sampson County Board of Commissioners.

Referred to **Election Laws Committee.**

By Senators Johnson of Wake, Barker, Bryan, Lee, Sands, Sherron, and Staton:

S.B. 1341, a bill to amend the performance pay system to allow some flexibility regarding the number of levels in the rating scale used to appraise the performance of state employees, with the top two levels of performance generally qualifying for performance increases.

Referred to **State Personnel Committee.**

By Senators Johnson of Wake, Barker, Lee, Marvin, Sands, Sherron, and Staton:

S.B. 1342, a bill to repeal the State income tax exemptions for federal, state, local, and private retirement benefits and to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report re-referred to **Finance Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Johnson of Wake, Barker, Bryan, Lee, Sands, Sherron, and Staton:
S.B. 1343, a bill to appropriate funds to implement the new performance pay system for State employees, enacted in Chapter 796 of the 1989 Session Laws.
Referred to **Appropriations Committee**.

By Senators Johnson of Wake, Barker, Bryan, Lee, Sands, Sherron, and Staton:
S.B. 1344, a bill to place the burden on the State employee to request written justification from the employee's supervisor when that employee is eligible for a performance increase but does not receive performance increase or when that employee does not receive an increase of a midrange value within the allowable range.
Referred to **State Personnel Committee**.

By Senators Johnson of Wake, Barker, Bryan, Lee, Sands, Sherron, and Staton:
S.B. 1345, a bill to clarify the current proviso regarding a limitation on the number of State employees eligible to receive performance pay increases.
Referred to **State Personnel Committee**.

By Senators Richardson, Odom, Wilson, and Johnson of Cabarrus:
S.B. 1346, a bill to reduce the terms of Charlotte Housing Authority Commissioners from five years to three years.
Referred to **Local Government and Regional Affairs Committee**.

REPORTS TO GENERAL ASSEMBLY

The Chair orders the Reading Clerk to read reports from Boards, Commissions, and Agencies directed to report to the 1989 General Assembly, received in the office of the Principal Clerk, and without objection, orders the reports placed on file in the Legislative Library. (See Addendum)

The Chair introduces Elizabeth Exum Wagner who is serving as Supervisor of Pages for the Second Session of the 1989 General Assembly.

The President recognizes the following pages serving in the Senate this week:

Heather Dean Adams, Benson; Andrew R. Boyd, Kenly; D. Mitchell Brown III, Greenville; Karen Leigh Creech, Henderson; Tara DeSorbo, Salisbury; Sara L. Dilling, Kings Mountain; Kimberly D. Dunbar, Pantego; Brian Eudy, Concord; Jennifer Fleming, Rocky Mount; Alexander D. Guy III, Jacksonville; Matthew J. Moyer, Monroe; Ashley S. Parrott, Salisbury; Kimberly Anne Roberts, Ayden; Shelley Rene' Stilley, Trenton; Randall E. Wilson, Jr., Wilmington; and Matthew J. Wolfe, Asheboro.

On motion of Senator Barnes, seconded by Senator Conder, the Senate adjourns at 12:45 P.M. to meet tomorrow, May 23, at 2:00 P.M.

ONE HUNDRED THIRTY-FIRST DAY

SENATE CHAMBER,
Wednesday, May 23, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Woodrow Bush, Minister of the First Baptist Church, Murphy, as follows:

"Our Father, Who art in heaven, we acknowledge that You rule the world in truth and grace and that You are the Source of life and liberty. We thank You for the rich heritage of religious and political freedoms that we enjoy in our land and for the men and women who have sacrificed to make these things possible. We ask that we may always have the wisdom to recognize that true freedom is rooted in faith in You.

"We thank You for the men and women who serve in our Legislature and for their staff. Grant them wisdom and strength adequate for their task. Enable them to serve the peoples of their State with humility and compassion. Give them safety as they travel and bless their families for the sacrifices and contributions they are willing to make.

"May each one of us take seriously the responsibility of being involved in the affairs of our Country. We pray that we might propose in our hearts to live righteously, love justice and to walk humbly with you and with our fellow man.

"Grant guidance during this Session of the Senate. May what is done be done effectively and honorably. In Jesus' Name, we pray. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Johnson of Cabarrus for today, who is attending a meeting with the Mayors of Mecklenburg County in Charlotte.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Winner, Swain, Smith, Guy, Raynor, and Tally:

S.B. 1347, a bill to increase the retirement formulae for members of the Teachers' and State Employees' Retirement System and the Local Governmental Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Winner:

S.B. 1348, a bill to exempt from income tax deferred compensation benefits received from a federal, state, or local deferred compensation plan.

Referred to **Finance Committee.**

By Senators Staton, Block, Carpenter, Conder, Johnson of Cabarrus, Marvin, Plyler, and Sands:

S.B. 1349, a bill to reduce from five years to three years the moratorium on acquisition of a North Carolina bank or savings association by an out-of-state institution.

Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Block, Carpenter, Conder, Johnson of Cabarrus, Marvin, Plyler, and Sands:

S.B. 1350, a bill to make technical and conforming changes to the savings institutions law.

Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Block, Carpenter, Conder, Johnson of Cabarrus, Plyler, and Sands:

S.B. 1351, a bill to make technical changes relating to joint, trust, and personal agency accounts at financial institutions.

Referred to **Judiciary I Committee.**

By Senators Staton, Block, Carpenter, Conder, Johnson of Cabarrus, Marvin, Plyler, and Sands:

S.B. 1352, a bill to clarify use of the term "bank," "banking," "banker," or "trust" in connection with a business.

Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Carpenter, Conder, Johnson of Cabarrus, Marvin, Plyler, and Sands:

S.B. 1353, a bill to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by granting certain regulatory authority to the North Carolina Real Estate Commission Real Estate Appraisal Committee and to add a new classification of voluntary appraiser certification.

Referred to **Judiciary III Committee.**

By Senators Staton, Block, Carpenter, Conder, Johnson of Cabarrus, Marvin, Plyler, and Sands:

S.B. 1354, a bill to regulate refund anticipation loans.

Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Block, Carpenter, Conder, Johnson of Cabarrus, Marvin, Plyler, and Sands:

S.B. 1355, a bill to provide for direct conversion of a savings institution to a bank and a bank to a savings institution.

Referred to **Banks and Thrift Institutions Committee.**

By Senator Johnson of Cabarrus:

S.B. 1356, a bill to permit certain medium cities to hold ABC elections.

Referred to **Alcoholic Beverage Control Committee.**

By Senator Royall:

S.B. 1357, a bill to ensure that all state boards, commissions, councils, and committees have budgets approved by the General Assembly and to give the Director of the Budget additional authority to deviate from the budget adopted by the General Assembly.

Referred to **Appropriations Committee.**

By Senators Walker and Lee:

S.B. 1358, a bill to allow the City of Asheboro to lease airport property for an additional period without competitive bid.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1359, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions and to adopt the federal standard deduction and personal exemption amounts for 1990.

Referred to **Finance Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1360, a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, and to make technical changes in the laws affected by the Highway Trust Fund.

Referred to **Finance Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1361, a bill to make technical changes to the Revenue Laws.

Referred to **Finance Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1362, a bill to revise the taxation of a North Carolina enterprise corporation and to extend the tax credit for investments in an enterprise corporation.

Referred to **Finance Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1363, a bill to modify the time allowed for filing certain property tax appeals and to make technical corrections to the property tax statutes.

Referred to **Finance Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1364, a bill to amend the Tax Fairness Act of 1989 to provide transitional adjustments relating to Subchapter S corporations and depreciation deductions, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, and to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled.

Referred to **Finance Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1365, a bill to provide an inheritance tax exemption for state and local government retirement benefits paid to lineal descendants and ancestors and to limit the current inheritance tax exemption for federal government retirement benefits to only those benefits paid to lineal descendants and ancestors.

Referred to **Finance Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1366, a bill to allow a sales tax exemption for fuel used by a small power producer to generate electricity.

Referred to **Finance Committee.**

By Senators Winner, Guy, Kincaid, Rauch, Staton, and Simpson:

S.B. 1367, a bill to increase the maximum bond that may be required of fuel distributors and suppliers.

Referred to **Finance Committee.**

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 1368, a bill to appropriate funds to the General William C. Lee Memorial Commission, Inc.

Referred to **Appropriations Committee.**

By Senators Hardin and Carpenter:

S.B. 1369, a bill to adopt Folkmoot USA as North Carolina's International Folk Festival and to appropriate funds for the North Carolina International Folk Festival.

Referred to **State Government Committee** and upon a favorable report re-referred to **Appropriations Committee.**

REPORT FROM THE LEGISLATIVE RESEARCH COMMISSION

Pursuant to Section 2.1(12) of Chapter 802 of the 1989 Session Laws, the Report from the Legislative Research Commission on Revenue Laws is presented to the Senate. The Senate accepts the Report, which is ordered placed on file in the Legislative Library. (See Addendum)

RE-REFERRALS

S.B. 1251, a bill to levy an air pollution tax on the emission of air contaminants known to cause air pollution.

Without objection, on motion of Senator Barker, the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to the **Environment**

and Natural Resources Committee, and upon a favorable report recommitted to the **Finance Committee**.

S.B. 1252, a bill to levy a water pollution tax on the discharge of waste from point sources to the surface waters of the State.

Without objection, on motion of Senator Barker, the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to the **Environment and Natural Resources Committee**, and upon a favorable report recommitted to the **Finance Committee**.

On motion of Senator Barnes, seconded by Senator Johnson of Wake, the Senate adjourns at 2:27 P.M. to meet tomorrow, May 24, at 1:00 P.M.

ONE HUNDRED THIRTY-SECOND DAY

SENATE CHAMBER,
Thursday, May 24, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Eugene Land, Minister of Second Baptist Church, Kings Mountain, as follows:

"Almighty God, You, Who are eternal, righteous, and wise; You, Who has granted this Nation and State the democratic ideal by which our destiny may be fashioned; we thank You that You have preserved among us enlightened and concerned citizens, who cherish their heritage as a free people and have purposed in their hearts to extend it.

"We thank You for these leaders whom You have raised up to guide our society, republic, and State. Grant that these whom we have entrusted with the authority of government would be responsible, wise, compassionate, courageous and strong.

"Help them to support wise legislation and faithful administration that all may prosper under equal law and opportunity.

"Defend our liberties, O Lord, and grant unto us a sense of our own responsibility.

"Achieve unity of purpose among us. Strengthen us with honor and grant us peace. This our common prayer, Thou Who art Father, Son and Spirit! Amen!"

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, May 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Swain for medical reasons for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Ward, Chalk, Cochrane, Conder, Daughtry, and Martin of Guilford:

S.B. 1370, a bill providing for the use of funds in the Teaching Fellows Revolving Fund to offset General Fund appropriations and for other purposes.

Referred to **Education Committee** and upon a favorable report re-referred to **Appropriations Committee**.

By Senators Hardin and Carpenter:

S.B. 1371, a bill to allow Henderson County to name private roads in unincorporated areas.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler, Block, Conder, Martin of Pitt, Martin of Guilford, Marvin, Walker, and Ward:

S.B. 1372, a bill to appropriate funds to support child development programs and services provided by United Cerebral Palsy of North Carolina.

Referred to **Appropriations Committee.**

By Senators Plyler, Block, Conder, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Sands, Staton, Walker, and Ward:

S.B. 1373, a bill to appropriate funds to expand the services provided by United Cerebral Palsy.

Referred to **Appropriations Committee.**

By Senator Hardin:

S.B. 1374, a bill to adopt Folkmoot USA as North Carolina's International Folk Festival and to appropriate funds for the North Carolina International Folk Festival.

Referred to **State Government Committee Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Kaplan and Ward:

S.B. 1375, a bill amending Chapter 296 of the Public-Local Laws of 1939, As Amended.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Ward and Kaplan:

S.B. 1376, a bill amending G.S. 40A-3.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler, Barker, Basnight, Carpenter, Conder, Daniel, Daughtry, Goldston, Harris, Johnson of Cabarrus, Kaplan, Lee, Marvin, Murphy, Parnell, Rauch, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Ward, and Winner:

S.J.R. 1377, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Fred Moore Mills, Jr.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Tally, Barker, Block, Cochrane, Conder, Daniel, Daughtry, Kaplan, Martin of Pitt, Parnell, Plyler, Raynor, Sherron, Smith, Soles, Swain, and Ward:

S.B. 1378, a bill to establish a moratorium on the transfer of waters.

Referred to **Environment and Natural Resources Committee.**

By Senators Raynor, Ballance, Barker, Barnes, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Harris, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Richardson, Sands, Sherron, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Winner:

S.B. 1379, a bill creating a Veterans Home Study Commission and appropriating funds for the study.

Referred to **Appropriations Committee.**

By Senators Murphy and Soles:

S.B. 1380, a bill to provide for a strawberry assessment.

Referred to **Agriculture Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Raynor, Soles, Parnell, and Bryan:
S.B. 1381, a bill to appropriate funds from the Worker Training Trust Fund for the 1990-91 fiscal year.
Referred to **Appropriations Committee.**

ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills previously introduced:

By Senators Shaw and Wilson:
S.B. 1347, a bill to increase the retirement formulae for members of the Teachers' and State Employees' Retirement System and the Local Governmental Retirement System.

By Senators Shaw and Wilson:
S.B. 1348, a bill to exempt from income tax deferred compensation benefits received from a federal, state, or local deferred compensation plan.

By Senators Shaw and Wilson:
S.B. 1360, a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, and to make technical changes in the laws affected by the Highway Trust Fund.

By Senators Shaw and Wilson:
S.B. 1361, a bill to make technical changes to the Revenue Laws.

By Senators Shaw and Wilson:
S.B. 1363, a bill to modify the time allowed for filing certain property tax appeals and to make technical corrections to the property tax statutes.

By Senators Shaw and Wilson:
S.B. 1364, a bill to amend the Tax Fairness Act of 1989 to provide transitional adjustments relating to Subchapter S corporations and depreciation deductions, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, and to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled.

By Senators Shaw and Wilson:
S.B. 1365, a bill to provide an inheritance tax exemption for State and local government retirement benefits paid to lineal descendants and ancestors and to limit the current inheritance tax exemption for federal government retirement benefits to only those benefits paid to lineal descendants and ancestors.

By Senators Shaw and Wilson:
S.B. 1366, a bill to allow a sales tax exemption for fuel used by a small power producer to generate electricity.

On motion of Senator Barnes, seconded by Senator Marvin, the Senate adjourns at 1:20 P.M. to meet tomorrow, May 25, at 10:00 A.M.

ONE HUNDRED THIRTY-THIRD DAY

SENATE CHAMBER,
Friday, May 25, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, sometimes in the hectic pace of a day, as we rush to accomplish those things on our agenda, we forget the reasons why those issues and tasks made it to our agenda in the first place.

"So, help us God, to take the time we need to consider the why's that are behind the who's, the what's, the when's, the where's, and the how's. Remind us that an essential part of any balanced day is rest, even a short five minutes to be quiet and think about the reasons behind our actions.

"Father, we are grateful that when we call, You stand ready to meet with us, any time, anywhere, to give to us comfort and direction as we struggle with the decisions before us; all we have to do is ask and You stand ready to give. For this expression of Your love to us, we give thanks today. In Your Name, Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, May 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Daughtry who has a Superior Court commitment, Senator Johnson of Cabarrus whose attendance is required in court, Senator Wilson who is out of State, and Senators Swain and Winner.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Carpenter:

S.B. 1382, a bill to authorize Polk County to collect certain fees in the same manner as *ad valorem* taxes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee Committee.**

By Senator Carpenter:

S.B. 1383, a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senator Shaw:

S.B. 1384, a bill to redefine the corporate boundaries of the Town of Stokesdale.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Plyler, Goldston, Johnson of Cabarrus, Parnell, and Simpson:

S.B. 1385, a bill to authorize a regional transportation authority to levy a vehicle registration tax.

Referred to **Transportation Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Plyler, Goldston, Johnson of Cabarrus, Parnell, and Simpson:

S.J.R. 1386, a joint resolution authorizing the Legislative Research Commission to continue to study Public Transportation Financing.

Referred to **Appropriations Committee**.

By Senators Plyler, Goldston, Johnson of Cabarrus, Parnell, and Simpson:

S.B. 1387, a bill to authorize a regional transportation authority to levy a driver's license tax.

Referred to **Transportation Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Goldston and Rauch:

S.B. 1388, a bill to restructure the budget process so as to assure more stable budgeting, by providing for use of the prior calendar year's collections as the revenue estimates, limiting use of reversions to one-time expenditures, providing for annual budgets, and streamlining the legislative process as a result.

Referred to **Finance Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Barker, Conder, Ezzell, Guy, Harris, Hunt of Durham, Johnson of Cabarrus, Odom, Richardson, and Soles:

S.B. 1389, a bill to provide that restitution may be ordered for the expense of the controlled substance analysis in a drug offense conviction.

Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senators Marvin, Rauch, Harris, Sherron, and Tally:

S.B. 1390, a bill to appropriate funds for a pilot program to provide health insurance to children of low-income families.

Referred to **Appropriations Committee**.

By Senator Ballance:

S.B. 1391, a bill to make a technical correction in a 1987 act which regulated the shining of lights in deer areas in the counties of Bertie and Madison.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Wilson, Richardson, Johnson of Cabarrus, and Odom:

S.B. 1392, a bill to modify the corporate limits of the Town of Pineville and the City of Charlotte.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Wilson, Rauch, and Daughtry:

S.B. 1393, a bill to make releasing of motor vehicles unlawful.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Royall and Hunt of Durham:

S.B. 1394, a bill to amend the legal description of the land being within the municipal boundaries of the City of Durham and to amend the metes and bounds description of a portion of the real property located within the County of Durham set forth in Section 2, Chapter 435, Session Laws of 1985.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senator Johnson of Cabarrus:

S.J.R. 1395, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to permit certain medium cities to hold ABC elections.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Ezzell, Allran, Barker, Carpenter, Cochrane, Conder, Daniel, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Lee, Martin of Guilford, Marvin, Plyler, Rauch, Richardson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner:

S.B. 1396, a bill to appropriate funds to develop state initiatives for addressing and reducing infant mortality in North Carolina.

Referred to **Appropriations Committee.**

By Senators Carpenter and Hardin:

S.B. 1397, a bill to increase the minimum tax that may be imposed in certain Macon Fire Districts.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senator Daughtry:

S.B. 1398, a bill to codify the new method electing the Sampson County Board of Education established pursuant to the Federal Voting Rights Act.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Martin of Pitt and Ballance:

S.B. 1399, a bill to establish a season for taking foxes by trapping in Edgecombe County.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Martin of Pitt and Ballance:

S.B. 1400, a bill to prohibit the hunting or transportation of deer from or by boat or floating device on a portion of the Tar River in Edgecombe County.

Referred to **Local Government and Regional Affairs Committee.**

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports as follows:

Senator Johnson of Wake, pursuant to Chapter 120, Article 12A, of the North Carolina General Statutes and Chapter 352 of the 1989 Session Laws, presents the Report of the Joint Legislative Utility Review Committee to the Senate. The Senate accepts the Report, which is ordered placed on file in the Legislative Library. (See Addendum)

Pursuant to Section 28.3(c) of Chapter 795 of the 1989 Session Laws, the Report of the Resource Center Division of the North Carolina Appellate Defender Office is presented to the Senate. The Senate accepts the Report, which is ordered placed on file in the Legislative Library. (See Addendum)

Senator Kaplan, Vice Chairman, announces a meeting of the **Rules and Operation of the Senate Committee** and offers a motion to the end that the Senate recess for the purpose of the meeting, which motion prevails.

The Chair declares the Senate in recess for the purpose of the committee meeting.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORTS OF COMMITTEES

The following bill is reported from the standing committee, read by its title, together with the report accompanying it, as follows:

By Senator Kaplan, Vice-Chairman, for the **Rules and Operation of the Senate Committee:**

H.J.R. 1, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution, which changes the title upon concurrence to read, **H.J.R. 1** (Senate Committee Substitute), a joint resolution extending the deadline for requesting, filing for introduction, and introduction of certain bills.

Senator Kaplan offers a motion to the end that the rules be suspended to allow the Senate Committee Substitute joint resolution, not germane to the original joint resolution, accepted for consideration, which motion prevails.

The Senate Committee Substitute joint resolution is placed before the Senate for immediate consideration and on motion of Senator Kaplan is adopted and on his further motion remains before the Senate for further consideration.

The Senate Committee Substitute joint resolution passes its second (39-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute joint resolution, without objection, by special messenger.

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports, as follows:

Pursuant to Chapter 64, of the 1989 Session Laws, the Report from the Birth-Related Neurological Impairment Study Commission is presented to the Senate. The Senate accepts the Report, which is ordered placed on file in the Legislative Library. (See Addendum)

On motion of Senator Barnes the Senate stands in recess.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, who presides in the absence of the President of the Senate.

ENROLLED BILLS

The Enrolling Clerk reports the following joint resolution properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.J.R. 1 (Senate Committee Substitute), a joint resolution extending the deadline for requesting, filing for introduction, and introduction of certain bills. (Res. 35)

On motion of Senator Royall, seconded by Senator Sands, the Senate adjourns at 10:42 A.M. to meet Tuesday, May 29, at 1:00 P.M.

ONE HUNDRED THIRTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, May 29, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Dennis Adams, Minister of Campground Methodist Church, Fayetteville, as follows:

"O, Lord, Our God, You have given us the capacity and freedom to govern and order our lives. In response to that freedom we have established governments to order society and to promote the well-being of Your people. Through them, help us to express to its fullest the divine image in which we are all created.

"To those persons who govern, You have given a most special privilege and responsibility: to stand as guardians over the welfare of your creation. We pray that through their rules and statutes, You will nurture Your creatures great and small. Guide them by Your love, in order that from their deliberations might come actions that are good and constructive.

"You have blessed us, the people of this State with the freedom to choose from among ourselves those men and women who will govern us. Help each of us, who are the recipients of that freedom, to support our public officials through wise selfless counsel, obedience, and loyalty.

"Be present today in this Body. Unite it in the service of Your love to this State, so that we will see 'Justice roll on like a river and righteousness like a never failing stream.' Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Friday, May 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Daniel, due to a death in the family; Senator Plyler, due to business obligations; Senator Ward, who is meeting with city leaders; and Senator Swain.

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports, as follows:

Pursuant to Section 21.4 of Chapter 802 of the 1989 Session Laws, the Report of the State Personnel System Study Commission is presented to the Senate. The Senate accepts the Report, which is ordered placed on file in the Legislative Library. (See Addendum)

REPORTS OF COMMITTEES

The following bill is reported from the standing committee, read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary III Committee**:

H.B. 1019 (Committee Substitute), a bill to exempt securities designated or approved for designation upon notice of issuance on the National Association of securities dealers automated quotation national market system from the registration and filing requirements of the North Carolina Securities Act, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Murphy:

S.B. 1401, a bill to authorize Duplin County to collect certain fees in the same manner as *ad valorem* taxes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Odom, Block, Bryan, Johnson of Wake, Lee, Sands, and Speed:

S.B. 1402, a bill to establish a performance management and pay oversight advisory committee within each department, agency, and institution to ensure that performance pay increases are made in a fair and equitable manner.

Referred to **State Personnel Committee.**

By Senators Ward and Kaplan:

S.B. 1403, a bill to provide that certain tourism development authorities may apply to receive refunds of sales taxes paid on purchases.

Referred to **Finance Committee.**

By Senators Sands and Goldston:

S.B. 1404, a bill to require consent of the Rockingham County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Rockingham County.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Ballance:

S.B. 1405, a bill relating to the manner of appointment of an additional District Court Judge in the Ninth District Court District.

Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senators Walker, Basnight, Daniel, Hardin, Simpson, and Tally:

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission and to provide for the study of the organization, functions, powers, and duties of the commission.

Referred to **Environment and Natural Resources Committee.**

By Senator Johnson of Wake:

S.B. 1407, a bill to provide for a certification filing fee for insurers contraction with utilization review organizations; to provide for examinations of such insurers and review standards to Workers' Compensation insurers and multiple employer welfare arrangements.

Referred to **Insurance Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senator Johnson of Wake:

S.B. 1408, a bill to provide supplemental fees, licenses, and written examinations for agents who sell Medicare supplement or long-term care insurance policies; and to amend the Medicare supplement insurance law in accordance with recent congressional action.

Referred to **Insurance Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Conder, Basnight, Cochrane, Odom, and Plyler:

S.B. 1409, a bill clarifying the power of cities and counties to collect charges for the use of stormwater utilities.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Conder, Basnight, Cochrane, Odom, and Plyler:

S.B. 1410, a bill giving counties the same authority that cities have concerning operation of a gas production and distribution system.

Referred to **Public Utilities Committee.**

By Senators Martin of Pitt, Rauch, Sands, and Basnight:

S.B. 1411, a bill to appropriate funds to the North Carolina Rural Water Association for operating expenses.

Referred to **Appropriations Committee.**

The President recognizes the following pages serving in the Senate this week:

Kristan R. Barker, Stoneville; Christopher P. Castleman, Winston-Salem; Thomas L. Dodson, Jr., Wilmington; Jarvone Dolby, Charlotte; Terius Dolby, Charlotte; Kelly M. Haney, Autryville; Rachel B. Harris, Roxboro; Bruce I. Howell, Cary; David T. Mizelle, Fayetteville; Shannon Overton, Raleigh; Katina Peace, Oxford; Tammy Ramsey, Franklin; Jennifer Sheppard, Stedman; Todd L. Smith, Eden; Michael E. Ward, Robersonville; Tracey Williamson, Leasburg; Brian Woodard, Goldsboro; and Brad Williams, Greenville.

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 1:20 P.M. to meet tomorrow, May 30, at 1:00 P.M.

ONE HUNDRED THIRTY-FIFTH DAY

SENATE CHAMBER,
Wednesday, May 30, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend John Derrick, Minister of Saint John's Lutheran Church, Salisbury, as follows:

"Our Gracious Heavenly Father, we pause for this moment of reverence to give You thanks for the opportunity to serve You and the people of North Carolina. Knowing that all governments are upon Your shoulders, challenge the men and women of this assembly to make decisions with integrity and competence. Hold each of us accountable to a high standard of ethics as we conduct our public and private lives. Give us wisdom and insight, vision and courage to see that the political business of this State places the needs of the public ahead of the pressures of any Party. Guide us now in this session. In Your Name we serve, and live, and pray. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, May 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

S.B. 1412, a bill to provide for licensing fees and licensing and regulation of multiple employer welfare arrangements (MEWAs) on a receipt-supported basis and in accordance with the Employee Retirement Income Security Act as enacted and amended by Congress; and to change the registration fee and financial responsibility requirements for health plan administrators.

Referred to **Insurance Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senator Barker:

S.J.R. 1413, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that restitution may be ordered for the expense of the controlled substance analysis in a drug offense conviction.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Simpson:

S.B. 1414, a bill to authorize Burke County to collect certain fees in the same manner as *ad valorem* taxes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Carpenter and Hardin:

S.B. 1415, a bill to appropriate funds for the driver training center at Southwestern Community College.

Referred to **Appropriations Committee.**

By Senators Kincaid and Carpenter:

S.B. 1416, a bill to appoint persons to various boards and commissions upon the recommendation of the President of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Guy, Barker, Basnight, Block, Carpenter, Conder, Ezzell, Harris, Hunt of Durham, Martin of Guilford, Parnell, Richardson, Sands, Soles, Speed, and Walker:

S.B. 1417, a bill to provide that nonprofit youth athletic league concession stands shall be exempt from sales tax.

Referred to **Finance Committee.**

By Senator Guy:

S.B. 1418, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.

Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senator Sands:

S.B. 1419, a bill to revise and consolidate the Charter of the City of Reidsville.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Tally, Sherron, and Raynor:

S.B. 1420, a bill to establish fees for processing erosion control plan approvals under the Sedimentation Pollution Control Act.

Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senators Johnson of Wake, Staton, Sherron, and Speed:

S.B. 1421, a bill to amend the law relating to the Raleigh Firemen's Supplemental Retirement Fund.

Referred to **Pensions and Retirement Committee.**

By Senators Tally and Raynor:
S.B. 1422, a bill to appropriate funds for Cumberland County Mental Health Center's new facility.
Referred to **Appropriations Committee.**

By Senators Tally and Raynor:
S.B. 1423, a bill to appropriate funds to the Town of Hope Mills for the construction of a pavilion at its lake and park area.
Referred to **Appropriations Committee.**

By Senator Ballance:
S.B. 1424, a bill to provide for the registration of land in Warren County and to require any person hunting or possessing a firearm or bow and arrow that is readily available for use to secure an entry permit before entering or remaining on registered land or remaining on abutting portions of highway.
Referred to **Marine Resources and Wildlife Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Staton, Conder, Smith, Cochrane, and Sherron:
S.B. 1425, a bill to establish fees for processing applications for permits and to improve permit processing and compliance under the Coastal Management Act.
Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senator Royall:
S.B. 1426, a bill to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other changes in the budget operation of the State.
Referred to **Appropriations Committee.**

By Senator Royall:
S.B. 1427, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies.
Referred to **Appropriations Committee.**

By Senator Daughtry:
S.B. 1428, a bill to provide that certain local sales and use tax proceeds shall be distributed to the taxing counties on a per capita basis and to appropriate funds to the Department of Revenue for the computer programming required to change the distribution formula.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Johnson of Cabarrus:
S.B. 1429, a bill to provide that no insurance points and no surcharges may be assessed for certain speeding offenses over sixty-five miles per hour.
Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senator Johnson of Cabarrus:
S.J.R. 1430, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that no insurance points and no surcharges may be assessed for certain speeding offenses over sixty-five miles per hour.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Johnson of Cabarrus:
S.B. 1431, a bill relating to Cabarrus Memorial Hospital.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Martin of Pitt:

S.B. 1432, a bill to exempt the contracts for a partially prefabricated jail addition to the present jail facility of Wilson County from the requirements of the public bidding laws.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Murphy:

S.B. 1433, a bill giving Duplin County the same authority that cities have concerning operation of a gas production and distribution system.

Referred to **Public Utilities Committee.**

By Senator Murphy:

S.B. 1434, a bill to allow Duplin County to convey certain property in exchange for other property.

Referred to **Local Government and Regional Affairs Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **State Government Committee:**

H.B. 1299 (Committee Substitute No. 2), a bill to include fire sprinkler contractors under the licensure requirements of the State Board of Examiners of Plumbing and Heating Contractors; and to change the composition of the Board, with a favorable report, as amended.

On motion of Senator Sherron the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Sherron, the Committee Substitute bill No. 2, as amended, is re-referred to the **Finance Committee.**

By Senator Rauch for the **Finance Committee:**

S.B. 1366, a bill to allow a sales tax exemption for fuel used by a small power producer to generate electricity, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to **Ways and Means Committee.**

S.B. 1367, a bill to increase the maximum bond that may be required of fuel distributors and suppliers, with a favorable report.

S.B. 1361, a bill to make technical changes to the Revenue Laws, with a favorable report, as amended.

S.B. 1363, a bill to modify the time allowed for filing certain property tax appeals and to make technical corrections to the property tax statutes, with a favorable report, as amended.

S.B. 1364, a bill to amend the Tax Fairness Act of 1989 to provide transitional adjustments relating to Subchapter S corporations and depreciation deductions, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, and to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Rauch, the bill, as amended, is ordered engrossed and re-referred to **Ways and Means Committee.**

S.B. 1365, a bill to provide an inheritance tax exemption for State and local government retirement benefits paid to lineal descendants and ancestors and to limit the current inheritance tax exemption for federal government retirement benefits to only those benefits paid to lineal descendants and ancestors, with a favorable report, as amended.

S.B. 1362, a bill to revise the taxation of a North Carolina enterprise corporation and to extend the tax credit for investments in an enterprise corporation, with and unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1362** (Committee Substitute), a bill to treat investments in a partnership in which the North Carolina Enterprise Corporation is a general partner as an investment in the corporation and to extend the tax credit for investments in an enterprise corporation, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, May 31.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 1019 (Committee Substitute), a bill to exempt securities designated or approved for designation upon notice of issuance on the National Association of Securities Dealers automated quotation national market system from the registration and filing requirements of the North Carolina Securities Act.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled.

RECALL FROM THE HOUSE OF REPRESENTATIVES

Senator Plyler offers a motion to the end that **S.B. 625** (Committee Substitute), a bill to repeal a local act freezing the boundaries of the Monroe City School Administrative Unit, sent to the House of Representatives on May 9, 1989, be recalled from the House of Representatives for further consideration, which motion prevails.

The Chair orders a Special Message sent to the House of Representatives recalling the Committee Substitute bill.

On motion of Senator Barnes, seconded by Senator Guy, the Senate adjourns at 1:25 P.M. to meet tomorrow, May 31, at 1:00 P.M.

ONE HUNDRED THIRTY-SIXTH DAY

SENATE CHAMBER,
Thursday, May 31, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, someone once said, without faith a person can do nothing; with it, all things are possible.

"Father, remind us that faith—faith in You, in ourselves, in each other, and in our process of government is fundamental to any success we experience.

"Remind us that faith, the unwillingness to surrender to cynicism and despair, that kind of faith can literally move mountains.

"Finally, O God, help us in this arena of competitive cooperation to strive more toward cooperation, than competition, remembering that cooperation is the building that rests on a foundation called faith and trust. In Your Name, Father, we offer this prayer. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, May 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Johnson of Cabarrus whose attendance is required in court and to Senator Shaw who has a dental emergency.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Wake:

S.B. 1435, a bill to increase fees for licensing and appointments of insurance agents, brokers, and adjusters; and to amend other laws to decrease costs to the State.

Referred to **Insurance Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senator Guy:

S.J.R. 1436, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Block:

S.B. 1437, a bill to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund.

Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senator Soles:

S.J.R. 1438, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Staton, Johnson of Wake, and Sherron:

S.B. 1439, a bill to transfer the Veterans and Military Education Program from the Department of Community Colleges and the State Board of Community Colleges to the Board of Governors of the University of North Carolina.

Referred to **Higher Education Committee.**

By Senator Bryan:

S.B. 1440, a bill to repeal the statute setting up the statewide computer voter file, and repealing an appropriation to the Secretary of State for administering that statute.

Referred to **Election Laws Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Plyler, Basnight, Conder, Martin of Pitt, Murphy, and Speed:

S.B. 1441, a bill to continue the Agricultural Finance Authority.

Referred to **Agriculture Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Tally, Chalk, Conder, Johnson of Cabarrus, Martin of Pitt, Speed, and Taft:

S.B. 1442, a bill to appropriate funds to establish and support twenty additional positions in the Solid Waste Section, Solid Waste Management Division, Department of Environment, Health, and Natural Resources.

Referred to **Appropriations Committee.**

By Senators Walker, Richardson, Harris, Marvin, and Allran:

S.B. 1443, a bill to amend the reporting date from 1990 to 1991 for filing with the General Assembly of a Social Services Plan for the State of North Carolina by the Department of Human Resources.

Referred to **Human Resources Committee.**

By Senators Marvin, Conder, Harris, Martin of Guilford, Rauch, Speed, Swain, Walker, and Ward:

S.B. 1444, a bill to appropriate State funds for community action agencies and to permit the use of Community Service Block Grant funds for the administration of community action agency programs.

Referred to **Human Resources Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Marvin, Conder, Harris, Martin of Guilford, Rauch, Speed, Swain, Tally, Walker, and Ward:

S.B. 1445, a bill to appropriate funds to revise the exceptional children funding formula.

Referred to **Appropriations Committee.**

By Senator Allran:

S.B. 1446, a bill to revise and consolidate the Charter of the City of Newton.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Hardin and Carpenter:

S.B. 1447, a bill to suspend the operation of an annexation ordinance of the Town of Andrews.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Hardin and Carpenter:

S.B. 1448, a bill to allow Cherokee County to establish a county recreation and security service district, and levy a tax in that district for services of the district, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

May 31, 1990

H.B. 2118, a bill to revise the manner of election of the High Point City Board of Education.

Referred to **Election Laws Committee**.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 1019 (Committee Substitute), an act to exempt securities designated or approved for designation upon notice of issuance on the National Association of Securities Dealers automated quotation national market system from the registration and filing requirements of the North Carolina Securities Act. (Ch. 803)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1361, a bill to make technical changes to the Revenue Laws, upon second reading.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Guilford, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 4, for further consideration, upon third reading.

S.B. 1362 (Committee Substitute), a bill to treat investments in a partnership in which the North Carolina Enterprise Corporation is a general partner as an investment in the corporation and to extend the tax credit for investments in an enterprise corporation, upon second reading.

The Chair declares the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1363, a bill to modify the time allowed for filing certain property tax appeals and to make technical corrections to the property tax statutes, upon second reading.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Ward, Wilson, and Winner—44.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 4, for further consideration, upon third reading.

S.B. 1365, a bill to provide an inheritance tax exemption for State and local government retirement benefits paid to lineal descendants and ancestors and to limit the current inheritance tax exemption for federal government retirement benefits to only those benefits paid to lineal descendants and ancestors, upon second reading.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—48.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 4, for further consideration, upon third reading.

S.B. 1367, a bill to increase the maximum bond that may be required of fuel distributors and suppliers.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Rules and Operation of the Senate Committee**:

S.J.R. 1377, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Fred Moore Mills, Jr., with a favorable report.

S.J.R. 1395, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to permit certain medium cities to hold ABC elections, with a favorable report.

S.J.R. 1413, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that restitution may be ordered for the expense of the controlled substance analysis in a drug offense conviction, with a favorable report.

S.J.R. 1430, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that no insurance points and no surcharges may be assessed for certain speeding offenses over sixty-five miles per hour, with a favorable report.

WITHDRAWAL FROM COMMITTEE

H.B. 2118, a bill to revise the manner of election of the High Point City Board of Education.

On motion of Senator Chalk, the rules are suspended (45-0) and the bill is taken from the **Election Laws Committee** and on his further motion, the rules are suspended (47-0) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (47-0) and third readings and is ordered enrolled.

INTRODUCTION OF BILL

Senator Winner offers a motion that **S.B. 1405**, a bill relating to the manner of appointment of an additional District Court Judge in the Ninth District Court District, ordered held as filed in the Office of the Principal Clerk on May 29, 1990, pursuant to Resolution 34, be taken from the Clerk's office and presented to the Senate, which motion prevails.

The bill passes its first reading and is referred to the **Judiciary II Committee.**

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Staton for the **Banks and Thrift Institutions Committee:**

S.B. 1352, a bill to clarify use of the term "bank," "banking," "banker," or "trust" in connection with a business, with a favorable report.

RE-REFERRAL

S.B. 1351, a bill to make technical changes relating to joint, trust, and personal agency accounts at financial institutions.

Without objection, on motion of Senator Swain the rules are suspended and the bill is taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee.**

On motion of Senator Barnes, seconded by Senator Daughtry, the Senate adjourns at 1:45 P.M. to meet Monday, June 4, at 8:00 P.M.

ONE HUNDRED THIRTY-SEVENTH DAY

SENATE CHAMBER,
Monday, June 4, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we are grateful today for these men and women who have chosen to embrace a life in politics and government, with its highs and lows, in order to serve the people of this State. Give to them Your strength and peace.

"As these legislators continue their work this week, remind each of them in a unique and personal way that You are present with them, that they can rely on You to answer when they call.

"Father, thank You that our worries are Your worries, that our problems are Your problems, and that our accomplishments are also Your accomplishments. Thank You that as we go about this thing called life, You are a sure and compassionate Friend. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Thursday, May 31, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, it is duly ratified and sent to the office of the Secretary of State:

H.B. 2118, an act to revise the manner of election of the High Point City Board of Education. (Ch. 804)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary III Committee**:

H.B. 1030 (Committee Substitute), a bill to amend the Statutes regulating bingo, with a favorable report.

H.B. 1147, a bill to clarify that a joint tenancy with right of survivorship may be created if the right of survivorship is expressly provided for in the instrument creating the joint tenancy, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, June 5.

H.B. 1291, a bill concerning collection of property by affidavit when a decendent dies testate, and concerning disbursement and distribution of property collected by affidavit, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read, **H.B. 1291** (Senate Committee Substitute), a bill concerning administration of small estates by the Clerk of Superior Court and a related provision of the Inheritance Tax Law, is placed before the Senate for immediate consideration.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 5.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate:

Senator Barnes offers a motion to the end that bills and resolutions filed for introduction and presented to the Senate be referred to committee upon the completion of tonight's Calendar, which motion prevails.

Senator Barker offers a motion to the end that **S.B. 1510** and **S.B. 1511** be read a first time, which motion prevails.

By Senator Barker:

S.B. 1510, a bill to remove the authority of the City of New Bern to annex involuntarily.

On motion of Senator Barker the bill is placed on the Calendar for tomorrow, June 5.

By Senator Barker:

S.B. 1511, a bill to exempt Craven County in construction of a courthouse annex from the historic district regulations of the City of New Bern.

On motion of Senator Barker the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2054, a bill to allow the Mayor of the City of Whiteville to vote on all issues coming before the Council.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 2061, a bill enabling the Town of Edenton to pass ordinances requiring that certain residential dwelling units have automatic smoke detectors.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 2076, a bill to authorize the Board of Commissioners of Davidson County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davidson County.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 2085, a bill to provide that purchasing procedures and contracts for improvements for the Town of Topsail Beach shall be governed by general law.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 2112, a bill to allow Pender County to name and assign street numbers to private roads in unincorporated areas.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 2115, a bill to exempt Macon County from certain procedural requirements on disposal of land as an industrial park.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1361, a bill to make technical changes to the Revenue Laws, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy,

Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—48.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1363, a bill to modify the time allowed for filing certain property tax appeals and to make technical corrections to the property tax statutes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Winner—48.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1365, a bill to provide an inheritance tax exemption for State and local government retirement benefits paid to lineal descendants and ancestors and to limit the current inheritance tax exemption for federal government retirement benefits to only those benefits paid to lineal descendants and ancestors, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—50.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

RECALL FROM THE HOUSE OF REPRESENTATIVES

Senator Rauch offers a motion to the end that **S.B. 647** (Committee Substitute), a bill to provide a means for financing all or part of a convention center in Charlotte, be recalled from the House of Representatives for further consideration by the Senate, which motion prevails.

The Chair orders a special message sent to the House of Representatives recalling the Committee Substitute bill.

CALENDAR (Continued)

S.B. 1352, a bill to clarify use of the term "bank," "banking," "banker," or "trust" in connection with a business.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1377, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Fred Moore Mills, Jr.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1395, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to permit certain medium cities to hold ABC elections.

The joint resolution passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1413, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that restitution may be ordered for the expense of the controlled substance analysis in a drug offense conviction.

On motion of Senator Barker, the joint resolution is recommitted to the **Rules and Operation of the Senate Committee.**

INTRODUCTION OF BILL

Senator Barker, upon receipt of a fiscal note, offers a motion that **S.B. 1389**, a bill to provide that restitution may be ordered for the expense of the controlled substance analysis in a drug offense conviction, ordered held as filed in the Office of the Principal Clerk on May 25, 1990, pursuant to Resolution 34, be called from the Clerk's office and presented to the Senate, which motion prevails. The bill passes its first reading and on motion of Senator Barker is referred to the **Judiciary III Committee.**

CALENDAR (Continued)

S.J.R. 1430, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that no insurance points and no surcharges may be assessed for certain speeding offenses over sixty-five miles per hour.

The joint resolution passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate and referred to committee, as follows: (See Appendix)

Executive Order Number 115, Amending Executive Order Number 92 Entitled Establishing the Western North Carolina Environmental Council.

Referred to **Environment and Natural Resources Committee.**

Executive Order Number 116, Amending and Extending Executive Order Number 78 Governor's Task Force On Injury Prevention.

Referred to **State Government Committee.**

The President recognizes the following pages serving in the Senate this week:

Erica J. Allred, Charlotte; Courtney B. Barkely, Gastonia; Wallace Batten, Wilson; Jamie Bradshaw, Gastonia; Amanda Bullard, Greensboro; Ashley Byers, Charlotte; John Cathcart, Raleigh; Lisa H. Cort, Burnsville; Kimberly B. Credle,

Swan Quarter; Thomas Blair Hines, Jr., Raleigh; Charles H. Huggins, Dallas; Matthew G. Hughes, Whitakers; Jonathan M. King, Raleigh; Seth A. Leone, Gastonia; La Ravi McCauley, Charlotte; Phillip Mills, Willard; Marc Murphy, Rose Hill; Abigail Murrow, Raleigh; Lewis Nantz, Charlotte; Jeffrey Rutledge, Burlington; Karen Schrader, Raleigh; Sheridan N. Singleton, Canton; Holly Van Pelt, Gastonia; Gregory W. Westcott, Burlington; and Heather Wilson, Charlotte.

INTRODUCTION OF BILLS AND RESOLUTIONS

Pursuant to the motion offered earlier by Senator Barnes, bills and resolutions filed for introduction are read the first time and disposed of as follows:

By Senator Sands:
S.B. 1449, a bill to change the filing period for the Leaksville Township Board of Education (Eden City School Administrative Unit).
Referred to **Local Government and Regional Affairs Committee.**

By Senator Sands:
S.B. 1450, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Surry County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Harris:
S.B. 1451, a bill to appropriate funds for capital needs at community-based rehabilitation facilities.
Referred to **Appropriations Committee.**

By Senators Lee, Walker, and Hunt of Durham:
S.B. 1452, a bill to authorize Orange County to require financial security for the repair and operation of community systems of sewage collection, treatment and disposal.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Lee, Walker, and Hunt of Durham:
S.B. 1453, a bill to clarify the enabling legislation for subdivision ordinance provisions relating to recreation areas in Orange County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Lee, Walker, and Hunt of Durham:
S.B. 1454, a bill to authorize Orange County to acquire real property in order to preserve open space and open areas for the preservation, protection and conservation of farmland, watershed areas and drinking water supplies, and to acquire the fee or any lesser interest.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Royall:
S.B. 1455, a bill to provide that an extension of time for filing an individual income tax return is not an extension of time for paying the tax.
Referred to **Finance Committee.**

By Senator Conder:
S.B. 1456, a bill to appropriate funds to pay increased cost of highway use tax for public school buses.
Referred to **Appropriations Committee.**

By Senators Conder and Bryan:
S.B. 1457, a bill to appropriate funds for aid to public libraries.
Referred to **Appropriations Committee.**

By Senator Murphy:
S.B. 1458, a bill to appropriate funds to provide additional instructional equipment for the public schools.
Referred to **Appropriations Committee.**

By Senator Murphy:
S.B. 1459, a bill to exempt Duplin County from certain building code requirements for construction of an aircraft hangar.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Chalk and Martin of Guilford:
S.B. 1460, a bill to appropriate funds for the centennial celebration at the University of North Carolina at Greensboro.
Referred to **Appropriations Committee.**

By Senators Chalk and Martin of Guilford:
S.B. 1461, a bill relating to zoning procedures of the City of High Point.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Chalk and Martin of Guilford:
S.B. 1462, a bill relating to assessments for underground electrical wiring in the City of High Point.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Chalk and Martin of Guilford:
S.B. 1463, a bill to amend the law relating to the Firemen's Pension and Disability Fund in the City of High Point.
Referred to **Pensions and Retirement Committee.**

By Senator Block:
S.B. 1464, a bill to provide that the North Carolina State Ports Authority may receive refunds of sales and use taxes paid on direct purchases of tangible personal property.
Referred to **Finance Committee.**

By Senator Block:
S.B. 1465, a bill to appropriate funds to Marine Crescent, Inc., for the promotion of marine related economy.
Referred to **Appropriations Committee.**

By Senators Carpenter and Hardin:
S.B. 1466, a bill to appropriate funds to Industrial Opportunities, Inc., for the construction of a new metal building and production facility.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:
S.B. 1467, a bill to increase the fees that may be charged by the State Board of Barber Examiners.
Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senator Royall:
S.B. 1468, a bill to prohibit the siting of a hazardous waste facility, operated pursuant to Chapter 130B of the General Statutes, within thirty-five miles of the State boundaries.
Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Royall:
S.B. 1469, a bill to extend to thirty-five miles the current limitation that prohibits the siting of a hazardous waste facility, operated pursuant to Chapter 130B of the

General Statutes, within twenty-five miles of a polychlorinated biphenyl landfill facility.

Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1470, a bill to appropriate funds for the Small Farm Horticultural Marketing Project.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Ballance, Basnight, Block, Conder, Daniel, Guy, Harris, Hunt of Durham, Johnson of Wake, Lee, Martin of Pitt, Marvin, Odom, Plyler, Richardson, Speed, Tally, and Walker:

S.B. 1471, a bill to establish a State Educational Equity Grant Program.

Referred to **Education Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Martin of Guilford and Chalk:

S.B. 1472, a bill to appropriate funds for the North Carolina Shakespeare Festival.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford and Chalk:

S.B. 1473, a bill to appropriate funds for the Eastern Music Festival in Guilford County.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Chalk, and Conder:

S.B. 1474, a bill to amend the laws relating to the regulation of proprietary schools.

Referred to **Higher Education Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Martin of Guilford, Conder, and Chalk:

S.B. 1475, a bill to appropriate funds to the Department of Community Colleges for proprietary school law enforcement.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Chalk, and Conder:

S.B. 1476, a bill to increase the bond requirements for proprietary schools.

Referred to **Higher Education Committee.**

By Senators Taft and Martin of Pitt:

S.B. 1477, a bill to allow the County of Pitt to acquire land for economic development and dispose of same without public sale.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Daniel:

S.B. 1478, a bill to incorporate the Town of Green Level in Alamance County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senator Daniel:

S.B. 1479, a bill to enable residents of the City of Mebane to fish without a hook and line fishing license within Lake Michael, a municipal water impoundment.

Referred to **Marine Resources and Wildlife Committee.**

By Senator Daniel:

S.B. 1480, a bill to increase the percentage of assets from the Sheriffs' Supplemental Pension Fund that may be used by the Justice Department for the administration of that Fund.

Referred to **Pensions and Retirement Committee.**

By Senator Block:
S.B. 1481, a bill to authorize Pender County to collect certain fees in the same manner as *ad valorem* taxes.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senator Block:
S.B. 1482, a bill relating to Pender County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1483, a bill relating to New Hanover County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1484, a bill relating to New Hanover County—2.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1485, a bill to provide for appointment of alternate members of the Wilmington Transit Authority.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1486, a bill to provide that the Pender County Board of Education shall take office on the first day of July following its election.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1487, a bill relating to Pender County—2.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1488, a bill to limit the terms of office of members of the Wilmington Housing Authority.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1489, a bill to provide that purchasing procedures and contracts for improvements for the Town of Topsail Beach shall be governed by general law.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Tally and Sherron:
S.B. 1490, a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources.
Referred to **Environment and Natural Resources Committee.**

By Senator Allran:
S.B. 1491, a bill making a qualified exemption from the Public Records Act for the Catawba County geographic information system.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Lee, Walker, and Hunt of Durham:
S.B. 1492, a bill to amend the Zoning Enabling Act to authorize Orange County to grant density bonuses and other incentives for developers of housing for persons of low or moderate income.
Referred to **Finance Committee.**

By Senators Barker, Basnight, Conder, Daniel, Harris, and Parnell:
S.B. 1493, a bill to impose a blood-alcohol content analysis fee to be paid by certain persons convicted of impaired driving.
Referred to **Finance Committee.**

By Senators Conder and Plyler:

S.B. 1494, a bill to allow the Town of Richfield to be included within a rural fire protection district.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Bryan, Allran, Carpenter, Chalk, Cochrane, Daughtry, Hardin, Kincaid, Shaw, Simpson, Smith, and Wilson:

S.B. 1495, a bill to authorize the issuance of four hundred eighty million one hundred sixty-five thousand dollars of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities, and making certain appropriations to the Department of Correction for expansion of alternative punishment programs.

Referred to **Finance Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Walker:

S.B. 1496, a bill to extend time for the resolution of claims to land under navigable waters.

Referred to **Judiciary II Committee.**

By Senator Walker:

S.B. 1497, a bill to amend the Charter of the City of Asheboro.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Wilson, Rauch, and Daughtry:

S.J.R. 1498, a joint resolution authorizing the 1989 General Assembly, 1990 session, to consider a bill to be entitled an act to make releasing of motor vehicles unlawful.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1499, a bill to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program.

Referred to **Judiciary I Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1500, a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy.

Referred to **Judiciary I Committee.**

By Senators Parnell, Ballance, Barker, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1501, a bill to amend the Constitution to expand the punishments for conviction of a crime and to amend Statutes allowing good time deductions from prison or jail sentences.

Referred to **Constitution Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler,

Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1502, a bill to appropriate funds for the construction of additional prison beds, to replace aging prison facilities, and to raise the prison population cap.

Referred to **Appropriations Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1503, a bill to appropriate funds to expand the electronic surveillance and intensive supervision programs.

Referred to **Appropriations Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1504, a bill to provide for the development of a pilot program at a private alcohol and drug abuse detention center, to make stipulations on satellite jail funding and community penalties programs, and to provide funds for private sector corrections pilot programs.

Referred to **Appropriations Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1505, a bill to create and appropriate funds for the Criminal Justice Facility Fund.

Referred to **Appropriations Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1506, a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases.

Referred to **Judiciary I Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Smith, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1507, a bill to appropriate funds to raise the per diem payments for State inmates in county jails.

Referred to **Appropriations Committee.**

By Senators Parnell, Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward:

S.B. 1508, a bill to provide that both felons and misdemeanants shall be eligible for intensive probation.

Referred to **Judiciary I Committee.**

By Senator Basnight:

S.B. 1509, a bill to authorize water column leases for aquaculture within recognized shellfish franchises.

Referred to **Marine Resources and Wildlife Committee.**

By Senator Parnell:
S.B. 1512, a bill to allow the Town of St. Pauls to make the Town Administrator the head of all town departments.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1513, a bill to appropriate funds for the hurricane and storm damage prevention project for Topsail Island.
Referred to **Appropriations Committee.**

By Senator Block:
S.B. 1514, a bill to appropriate funds to the New Hanover County Law Enforcement Officers Association, Inc.
Referred to **Appropriations Committee.**

By Senator Block:
S.B. 1515, a bill to appropriate funds to the Town of Topsail Beach for a fire department building.
Referred to **Appropriations Committee.**

By Senators Sherron, Johnson of Wake, and Staton:
S.J.R. 1516, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to place a moratorium on the issuance of any permit for selection of and approval of a commercial solid waste management facility for the treatment of medical waste.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Walker:
S.B. 1517, a bill to appropriate funds to establish a maximum foster care reimbursement rate for children with special needs.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1518, a bill to appropriate funds to support the nonfederal share of federally required Family Support Act day care services.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1519, a bill to appropriate funds to establish within the Department of Human Resources a food stamp outreach program of information, referral, and removal of barriers to the Food Stamp Program.
Referred to **Appropriations Committee.**

By Senator Ezzell:
S.B. 1520, a bill regarding when the Nash County Board of Education can pay its employees.
Referred to **Education Committee.**

By Senator Ezzell:
S.B. 1521, a bill to provide that the Town of Bailey need not mail zoning notices for the total zoning or rezoning of the Town and its extraterritorial jurisdiction.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Sands:
S.B. 1522, a bill to authorize Watauga County to collect certain fees in the same manner as *ad valorem* taxes.
Referred to **Local Government and Regional Affairs Committee.**

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 8:45 P.M. in honor of Senator Dennis J. Winner upon the occasion of his marriage on June 1, 1990, to Lydia Catherine Deyton Winner, to meet tomorrow, June 5, at 1:30 P.M.

ONE HUNDRED THIRTY-EIGHTH DAY

SENATE CHAMBER,
Tuesday, June 5, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Craig Lister, Minister of St. Thomas Episcopal Church, Sanford, as follows:

"Heavenly Father, we gather this day in Your Name and as stewards of the world You have made.

"Give all here gathered who share the ministry of representing the interests of others, the wisdom and compassion they need; so that justice may be served and abundance may be shared.

"Bless these deliberations and endow all present with charity and forebearance. This we pray, in Christ's Name. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 4, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Chalk, who is meeting with the Governor.

ADDITIONAL ENDORSEMENTS

The following Senator requests to be recorded endorsing bills previously introduced:

By Senator Wilson:

S.B. 1457, a bill to appropriate funds for aid to public libraries.

S.B. 1501, a bill to amend the Constitution to expand the punishments for conviction of a crime and to amend Statutes allowing good time deductions from prison or jail sentences.

S.B. 1507, a bill to appropriate funds to raise the per diem payments for State inmates in county jails.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kaplan:

S.B. 1523, a bill to provide that Winston-Salem may levy an occupancy tax in addition to the occupancy tax in Forsyth County.

Referred to **Finance Committee**.

By Senator Kaplan:
S.B. 1524, a bill to require parents to spend time at school with their children.
Referred to **Education Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Royall:
S.B. 1525, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill.
Referred to **Finance Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Royall:
S.B. 1526, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws.
Referred to **Finance Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Rauch:
S.B. 1527, a bill to provide revenue amendments for the City of Gastonia and Gaston and Mecklenburg Counties.
Referred to **Finance Committee.**

By Senator Rauch:
S.B. 1528, a bill to balance the State budget.
Referred to **Finance Committee.**

By Senators Barker, Tally, and Raynor:
S.B. 1529, a bill to authorize the Wildlife Resources Commission to use funds to construct boating access areas at Cedar Island and at Ocracoke Island, to repair the dam at Lake Rim Fish Hatchery, and to construct a visitor center at Pisgah Forest Fish Hatchery.
Referred to **Marine Resources and Wildlife Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Barker (By request):
S.B. 1530, a bill to establish new salary schedules for certified public school administrators.
Referred to **Appropriations Committee.**

By Senators Marvin, Walker, Harris, Tally, and Ward:
S.B. 1531, a bill to appropriate funds for HUD group homes and apartments for the mentally ill.
Referred to **Appropriations Committee.**

By Senator Marvin:
S.B. 1532, a bill to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds.
Referred to **Appropriations Committee.**

By Senator Marvin:
S.B. 1533, a bill to authorize the Department of Justice to charge dormitory fees at the North Carolina Justice Academy.
Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senator Tally:

S.B. 1534, a bill to establish fees for processing applications for mining permits and applications for modifications and renewals of existing mining permits.

Referred to **Finance Committee.**

By Senator Tally:

S.B. 1535, a bill to establish fees for processing applications for approval of construction, repair, alteration, or removal of dams.

Referred to **Finance Committee.**

By Senator Tally:

S.B. 1536, a bill to establish fees for processing erosion control plan approvals under the Sedimentation Pollution Control Act of 1973.

Referred to **Finance Committee.**

By Senator Walker:

S.B. 1537, a bill to appropriate funds for the summer camp program for autistic children and adults.

Referred to **Appropriations Committee.**

By Senator Conder:

S.B. 1538, a bill to authorize the establishment of public education foundations.

Referred to **Education Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Ward:

S.B. 1539, a bill to make modifications in the school transportation system, to reduce required education reports and other paperwork, and to make corresponding reductions in the budget of the Department of Public Education.

Referred to **Appropriations Committee.**

By Senator Kaplan:

S.B. 1540, a bill to appropriate funds for the benefit of the people of North Carolina.

Referred to **Appropriations Committee.**

By Senator Kaplan:

S.B. 1541, a bill to allow law enforcement officers who are members of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System to retire with unreduced benefits after completing twenty-five years of service.

Referred to **Pensions and Retirement Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Marvin, Rauch, and Harris:

S.B. 1542, a bill to appropriate funds to include the Loray Girls Home, Inc., of Gastonia, as a private child caring institution receiving a State grant-in-aid.

Referred to **Appropriations Committee.**

By Senators Conder, Basnight, Block, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Goldston, Guy, Hardin, Hunt of Durham, Martin of Pitt, Marvin, Parnell, Plyler, Rauch, Raynor, Richardson, Sands, Soles, and Staton:

S.B. 1543, a bill to clarify the authority of local school boards to select supplemental instructional material, to clarify requirements concerning the development of differentiated pay plans, and to appropriate funds for the implementation of differentiated pay plans.

Referred to **Appropriations Committee.**

By Senators Ezzell, Basnight, Bryan, Cochrane, Guy, Harris, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Raynor, Richardson, Sherron, Speed, and Walker:
S.B. 1544, a bill to increase the domiciliary home rates and to appropriate funds.
Referred to **Appropriations Committee.**

By Senators Plyler, Conder, Daniel, and Bryan:
S.B. 1545, a bill to allow additional retroactive membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.
Referred to **Pensions and Retirement Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Ballance:
S.B. 1546, a bill to appropriate funds to the North Carolina Coalition of Farm and Rural Families.
Referred to **Appropriations Committee.**

By Senators Staton, Johnson of Wake, and Sherron:
S.B. 1547, a bill to appropriate funds for the Museum of Natural Sciences.
Referred to **Appropriations Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.J.R. 2053, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Herbert Clifton Blue, former member of the General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2098, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of John Knox McNeill, Jr., former Mayor of the City of Raeford, and recognizing the celebration of National Turkey Lovers' Month in his honor.
Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2137, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a House resolution memorializing Congress to pass legislation to ensure equitable distribution of social securities benefits.
Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2174, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require that notice of liens for the cost and damages payable to the United States for the cleanup of any site covered by CERCLA/SARA be filed in the Office of the Clerk of Superior Court of the county in which the property is located.
Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2059, a bill to remove from the corporate limits of the Town of Black Mountain an area included in error in an annexation ordinance effective February 28, 1989.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2094, a bill to confirm the corporate limits and to ratify actions of the Board of Aldermen of the City of Bakersville.

Referred to **Local Government and Regional Affairs Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

SB 625(CS)

House of Representatives
June 4, 1990

Mr. President:

It is ordered that a message be sent informing your Honorable Body that your message of May 30, 1990 requesting the return of SB 625 (Comm. Sub.) "A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT FREEZING THE BOUNDARIES OF THE MONROE CITY SCHOOL ADMINISTRATIVE UNIT", has been read and referred to the Committee on Rules, Appointments and the Calendar.

Respectfully,
S/Grace A. Collins
Principal Clerk

SB 647(CS)

House of Representatives
June 5, 1990

Mr. President:

It is ordered that a message be sent informing your Honorable Body that the House of Representatives is honoring the request of the Senate and is returning S.B. 647 (Committee Substitute) "A BILL TO BE ENTITLED AN ACT TO PROVIDE A MEANS FOR FINANCING ALL OR PART OF A CONVENTION CENTER IN CHARLOTTE", for further consideration by the Senate.

Respectfully,
S/Grace A. Collins
Principal Clerk

Without objection, the Chair orders the Committee Substitute bill recommitted to the **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1510, a bill to remove the authority of the City of New Bern to annex involuntarily, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Carpenter, Cochrane, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Marvin, Odom, Parnell, Plyler, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—37.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 6, for further consideration, upon third reading.

H.B. 1030 (Committee Substitute), a bill to amend the Statutes regulating bingo.

The Committee Substitute bill passes its second reading (44-1).

Senator Block objects to the third reading of the bill.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 6, for further consideration, upon third reading.

H.B. 1147 (Senate Committee Substitute), a bill to clarify that a joint tenancy with right of survivorship may be created if the right of survivorship is expressly provided for in the instrument creating the joint tenancy.

On motion of Senator Block, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 12.

H.B. 1291 (Senate Committee Substitute), a bill concerning administration of small estates by the Clerk of Superior Court and a related provision of the Inheritance Tax Law.

On motion of Senator Lee, consideration of the Senate Committee Substitute bill is postponed until tomorrow, June 6.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Local Government and Regional Affairs Committee**:

S.B. 1346, a bill to reduce the terms of Charlotte Housing Authority Commissioners from five years to three years, with a favorable report.

S.B. 1358, a bill to allow the City of Asheboro to lease airport property for an additional period without competitive bid, with a favorable report.

S.B. 1375, a bill amending Chapter 296 of the Public-Local Laws of 1939, As Amended, with a favorable report.

S.B. 1376, a bill amending G.S. 40A-3, with a favorable report.

S.B. 1382, a bill to authorize Polk County to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee**.

S.B. 1371, a bill to allow Henderson County to name private roads in unincorporated areas, with a favorable report, as amended.

S.B. 1404, a bill to require consent of the Rockingham County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Rockingham County, with a favorable report, as amended.

On motion of Senator Barnes, seconded by Senator Carpenter, the Senate adjourns at 2:00 P.M. to meet tomorrow, June 6, at 1:00 P.M.

ONE HUNDRED THIRTY-NINTH DAY

SENATE CHAMBER,
Wednesday, June 6, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve Lewis, Englewood Baptist Church, Rocky Mount, as follows:

"Heavenly Father, Eternal Spirit, so far above us, yet so deep within us, You are so great that our imagination cannot touch the outskirts of Your ways. Yet You are closer to us than the air we breathe; closer than the life-giving flow that pulses through our veins. We pause at this time in this place to ask Your blessings on, Your guidance for, and Your presence with these our public servants. Our special prayer is that You would deliver them from any sense of futility as they face the complicated situations of life and the difficulties of government. We pray that they may feel the encouragement, support, and prayers of a host of patriots who love this country, who love this State, and who deeply appreciate the contribution these our elected officials are making.

"Keep us ever aware of the fact that Your power has never been obstructed by difficulties. Your love is not limited by human failure. But that even in the midst of the obstructions to human resources, we may be impelled to discover anew Your eternal resources. In the Name of Our Lord, we pray. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 5, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Staton, whose attendance is required in court.

REPORT OF COMMITTEE

The following bill is reported from standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 1359, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions and to adopt the federal standard deduction and personal exemption amounts for 1990, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill, which changes title to read, **S.B. 1359** (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, to amend the Tax Fairness Act of 1989 to provide transitional adjustments relating to Subchapter S Corporations and depreciation deductions, to adopt the federal standard deduction and personal exemption amounts for 1990, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, and to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 11.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate.

Senator Barnes offers a motion to the end that bills and resolutions filed for introduction and presented to the Senate be referred to committee upon the completion of today's Calendar, which motion prevails.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1510, a bill to remove the authority of the City of New Bern to annex involuntarily, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: Senator Bryan—1.

The bill is ordered without objection, sent to the House of Representatives by special messenger.

S.B. 1376, a bill amending G.S. 40A-3, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Tally, Walker, Ward, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 7, for further consideration, upon third reading.

S.B. 1346, a bill to reduce the terms of Charlotte Housing Authority Commissioners from five years to three years.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1358, a bill to allow the City of Asheboro to lease airport property for an additional period without competitive bid.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1371, a bill to allow Henderson County to name private roads in unincorporated areas.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1375, a bill amending Chapter 296 of the Public-Local Laws of 1939, As Amended.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1404, a bill to require consent of the Rockingham County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Rockingham County.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1291 (Senate Committee Substitute), a bill concerning administration of small estates by the Clerk of Superior Court and a related provision of the Inheritance Tax Law.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1030 (Committee Substitute), a bill to amend the Statutes regulating bingo, upon third reading.

Senator Winner offers Amendment No. 1.

On motion of Senator Odom, further consideration of the Committee Substitute bill, with Amendment No. 1 pending, is postponed until tomorrow, June 7.

INTRODUCTION OF BILLS AND RESOLUTIONS

Pursuant to the motion offered earlier by Senator Barnes, bills and resolutions filed for introduction are read the first time and disposed of, as follows:

By Senators Basnight, Conder, Martin of Pitt, Marvin, Walker, and Ward:

S.B. 1548, a bill to appropriate funds to implement a salary reclassification for school psychologists.

Referred to **Appropriations Committee**.

By Senators Walker, Richardson, Lee, Marvin, and Hunt of Durham:

S.B. 1549, a bill to remove barriers to use of the Food Stamp Program and to appropriate funds.

Referred to **Human Resources Committee** and upon a favorable report rereferred to **Appropriations Committee**.

By Senators Walker, Harris, Hunt of Durham, Lee, Marvin, and Richardson:

S.B. 1550, a bill to appropriate funds to increase the 1989 Medicaid and Aid to Families with Dependent Children income eligibility standards.

Referred to **Appropriations Committee**.

By Senators Walker, Harris, Lee, Marvin, and Richardson:

S.B. 1551, a bill to appropriate funds for HUD Group Homes for the developmentally disabled.

Referred to **Appropriations Committee**.

By Senator Walker:

S.B. 1552, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities.

Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senator Block:

S.B. 1553, a bill to appropriate funds to establish a permanent facility for the Maple Hill Medical Center.

Referred to **Appropriations Committee**.

By Senator Block:
S.B. 1554, a bill to appropriate funds to include the Yahweh Center, Inc., of Wilmington, as a private child caring institution receiving a State grant-in-aid.
Referred to **Appropriations Committee.**

By Senator Block:
S.B. 1555, a bill to ensure access to public higher education for North Carolinians with proven ability to learn.
Referred to **Higher Education Committee** and upon a favorable report rereferred to **Appropriations Committee.**

By Senator Block:
S.B. 1556, a bill to appropriate funds to the Hospital Hospitality House of Wilmington, Inc., for the expansion of its facility.
Referred to **Appropriations Committee.**

By Senator Block:
S.B. 1557, a bill to appropriate funds to Pender County for a recreation hall at the Currie Community Center.
Referred to **Appropriations Committee.**

By Senator Rauch:
S.B. 1558, a bill to provide funds for the North Carolina Energy Assurance Study Commission.
Referred to **Appropriations Committee.**

By Senators Rauch and Walker:
S.B. 1559, a bill to support local health programs through an increase in the license tax on food and lodging facilities.
Referred to **Finance Committee.**

By Senator Marvin:
S.J.R. 1560, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Guy, Bryan, Raynor, Speed, Staton, and Tally:
S.B. 1561, a bill to provide that retired military personnel and federal employees may demand tax refunds for the 1988 tax year on or before December 31, 1990.
Referred to **Finance Committee.**

By Senator Barker:
S.B. 1562, a bill to lease a portion of Radio Island to Carteret County for recreational use.
Referred to **Marine Resources and Wildlife Committee.**

By Senator Sands:
S.B. 1563, a bill to provide a sales tax exemption for certain health products sold to patients by health practitioners.
Referred to **Finance Committee.**

By Senators Plyler and Conder:
S.B. 1564, a bill to make a clarifying change to the State-administered Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senator Royall:
S.B. 1565, a bill to make administrative changes and clarifications, to modify part-time and temporary employee coverages, to provide benefits for general health

physical examinations and immunizations, and to provide long-term care benefits in the Teachers' and State Employees' Comprehensive Major Medical Plan.

Referred to **Appropriations Committee.**

By Senators Kincaid and Kaplan:

S.R. 1566, a Senate simple resolution honoring the State Capitol's architects on its One Hundred Fiftieth Anniversary.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Conder, Johnson of Wake, Lee, Plyler, Sherron, Staton, and Walker:

S.B. 1567, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, to appropriate additional funds to assure that the facility is properly sized, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes.

Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Finance Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Barker, Basnight, Carpenter, Daniel, Hardin, Martin of Pitt, Parnell, and Richardson:

S.B. 1568, a bill to provide that prisoners incarcerated in the State prison system shall be required to reimburse the State for the cost of their incarceration.

Referred to **Judiciary III Committee.**

By Senator Winner:

S.B. 1569, a bill to make appointments to public office upon the recommendation of the President *Pro Tempore* of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Royall:

S.B. 1570, a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina.

Referred to **Higher Education Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1571, a bill to make various changes in the budget operation of the State.

Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1572, a bill to authorize the issuance of bonds to benefit the people of North Carolina.

Referred to **Finance Committee.**

By Senators Marvin, Ballance, Basnight, Daniel, Martin of Guilford, Parnell, and Sands:

S.B. 1573, a bill to appropriate funds to the Department of Justice to establish twenty new SBI agent positions, to fund seven new positions in the Special Prosecution Division, to complete implementation of the DARE program Statewide, and to assist with the expenses of coordinating multijurisdictional task forces.

Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1574, a bill to establish a license to sell fish, levy a fee for the license, and provide that the receipts be deposited in the General Fund.

Referred to **Marine Resources and Wildlife Committee** and upon a favorable report re-referred to **Finance Committee.**

By Senators Martin of Guilford and Marvin:

S.B. 1575, a bill to levy an individual income tax surtax of four-tenths of one percent in order to generate funds for educational equity grants and for State programs relating to health, social services, need-based scholarships, and indigent counsel fees.

Referred to **Finance Committee.**

By Senators Martin of Guilford and Marvin:

S.B. 1576, a bill to appropriate funds for various Statewide projects.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Ballance, Guy, Hunt of Durham, Lee, Rauch, Richardson, Shaw, Staton, and Walker:

S.B. 1577, a bill to appropriate funds to promote the development of minority, small businesses and other community economic development through the support of community development corporations.

Referred to **Appropriations Committee.**

By Senator Rauch:

S.B. 1578, a bill to appropriate funds to increase State involvement in child care and to reexamine child care funding formulae.

Referred to **Appropriations Committee.**

By Senator Block:

S.B. 1579, a bill to stagger further the terms served by members of the Board of the State Ports Authority, to eliminate the Governor's ability to remove members of the Board of the State Ports Authority without cause, and to appropriate funds for the establishment of an air freight development office within the State Ports Authority.

Referred to **State Government Committee** and upon a favorable report rereferred to **Appropriations Committee.**

By Senators Shaw, Carpenter, and Wilson:

S.B. 1580, a bill to provide for use of the proceeds of the controlled substance tax for law enforcement.

Referred to **Appropriations Committee.**

By Senators Daughtry, Carpenter, and Hardin:

S.B. 1581, a bill to enact the 1990 Omnibus Drug Act.

Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk for receipt of a fiscal note.

By Senators Carpenter, Staton, and Cochrane:

S.B. 1582, a bill to authorize the issue of general obligation bonds of the State of North Carolina to meet infrastructure needs.

Referred to **Finance Committee.**

By Senator Staton:

S.B. 1583, a bill to establish fees for processing applications for permits and to improve permit processing and compliance under the Coastal Management Act.

Referred to **Finance Committee.**

By Senators Sherron and Staton:

S.B. 1584, a bill to extend coverage under the Disability Income Plan of North Carolina to participants who are on an employer approved leave of absence and in receipt of workers' compensation benefits.

Referred to **Pensions and Retirement Committee.**

By Senator Royall:
S.B. 1585, a bill to place a one-year moratorium on the siting and licensing of a hazardous waste facility operated pursuant to Chapter 130B of the General Statutes and to appropriate funds to further evaluate the proposed site in Granville County.
The bill is filed in error.

By Senators Royall and Rauch:
S.B. 1586, a bill to accelerate the payment of sales taxes and gross receipts taxes by utilities and to accelerate the payment of withheld individual income taxes by employers.
Referred to **Finance Committee.**

By Senator Barker:
S.B. 1587, a bill to improve the procedure for collecting debts owed the State by setting off the debts against tax refunds.
Referred to **Finance Committee.**

By Senator Daniel:
S.B. 1588, a bill to simplify the privilege license tax on restaurants.
Referred to **Finance Committee.**

By Senator Daniel:
S.B. 1589, a bill to amend the Commercial Driver's License Act.
Referred to **Finance Committee.**

By Senator Ezzell:
S.J.R. 1590, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to prohibit the sale of nonprescription drugs and medical testing products at flea markets.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Marvin:
S.B. 1591, a bill to appropriate funds to the Administrative Office of the Courts, to extend the terms of certain special Superior Court Judges, and to clarify provisions regarding the appointment of a guardian *ad litem*.
Referred to **Appropriations Committee.**

By Senator Marvin:
S.J.R. 1592, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to authorize the Department of Justice to charge dormitory fees at the North Carolina Justice Academy.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Martin of Pitt, Parnell, Plyler, and Soles:
S.B. 1593, a bill to appropriate funds for the Industrial Economic Development Fund.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:
S.B. 1594, a bill to allow private funds to be used for the costs of publishing and distributing information aimed at encouraging economic development in North Carolina.
Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senator Royall:
S.B. 1595, a bill to clarify the requirement that a site for a hazardous waste facility operated pursuant to Chapter 130B of the General Statutes be accessible to the Interstate Highway System by a four-lane highway.
Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Block:
S.J.R. 1596, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Bryan, Allran, Cochrane, and Smith:
S.B. 1597, a bill to prohibit the siting of a hazardous waste facility operated pursuant to Chapter 130B of the General Statutes within any county in which forty million pounds or more of raw milk is produced annually.
Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senator Marvin:
S.B. 1598, a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, and to provide a cost-of-living increase to retirees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System.
Referred to **Pensions and Retirement Committee** and upon a favorable report re-referred to **Appropriations Committee.**

By Senators Martin of Pitt and Taft:
S.B. 1599, a bill to amend Section 92 of Chapter 752 of the 1989 Session Laws and to appropriate funds for the MRI unit at the East Carolina University School of Medicine.
Referred to **Appropriations Committee.**

By Senator Basnight:
S.B. 1600, a bill to create the Economic Future Study Commission.
Referred to **Appropriations Committee.**

Senator Rauch announces a meeting of the **Finance Committee** during recess.

On motion of Senator Barnes, the Senate stands in recess from 1:45 P.M. until 2:45 P.M. for the purpose of the **Finance Committee** meeting.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

RE-REFERRAL

S.B. 1492, a bill to amend the Zoning Enabling Act to authorize Orange County to grant density bonuses and other incentives for developers of housing for persons of low or moderate income.
Without objection, on motion of Senator Winner, the Committee Substitute bill is taken from the **Finance Committee** and is re-referred to the **Local Government and Regional Affairs Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 625
(Committee Substitute)

House of Representatives
June 6, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body that the House of Representatives is honoring your request and is returning SB 625 (Comm. Sub.) "A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT FREEZING THE BOUNDARIES OF THE MONROE CITY SCHOOL ADMINISTRATIVE UNIT", for further consideration by the Senate.

Respectfully,
S/Grace A. Collins
Principal Clerk

On motion of Senator Plyler the Committee Substitute bill is recommitted to the **Local Government and Regional Affairs Committee.**

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S.B. 1586, a bill to accelerate the payment of sales taxes and gross receipts taxes by utilities and to accelerate the payment of withheld individual income taxes by employers, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended, and the bill, which is ruled a roll-call measure, is placed before the Senate for immediate consideration, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted (42-0) and Committee Amendment No. 2 is adopted (42-0), and are held to be material.

The adoption of the Amendments constitute the first reading of the measure, and Senator Rauch offers a motion that the bill be engrossed and placed on the Calendar for tomorrow, which motion prevails. The bill is placed on the Calendar for Thursday, June 7, upon second reading.

On motion of Senator Barnes, seconded by Senator Harris, the Senate adjourns at 3:10 P.M. in honor of the brave men and women who fought in World War II and in honor of D-Day, June 6, 1944, to meet tomorrow, June 7, at 1:00 P.M.

ONE HUNDRED FORTIETH DAY

SENATE CHAMBER,
Thursday, June 7, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Randy Cox, Minister of the First Free Will Baptist Church, Raleigh, as follows:

"Father, thank You for ordaining three institutions for the good of mankind, the home, church, and government. Bless these Senators who sit in the seat of government that in their deliberations and actions they may do good according to Your standard the Bible, the Word of God. Then we know that the result upon those affected will be good. Good is right, and You are glorified in good. In Jesus' name we pray. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Swain, due to a doctor's appointment and to Senator Guy.

On motion of Senator Barnes, Kalliope Bakirdzi, Press Secretary for the Alliance of Free Democrats in Budapest, Hungary, is granted courtesies of the floor. Ms. Bakirdzi is a participating fellow in the North Carolina Partners for Democracy Foundation and is interning for the day in the Office of the Principal Clerk.

The Chair grants courtesies of the gallery and recognizes the recipients of the North Carolina Folk Heritage Awards: Cleonia Graves, Connie Steadman, Celester Sellars, Walker Calhoun, Earnest East, Benton Flippen, Wilma McNabb, Dellie Norton, and Sally Parnell.

ADDITIONAL ENDORSEMENTS

The following Senator requests to be recorded endorsing bills previously introduced:

By Senator Taft:

S.B. 1499, a bill to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program.

S.B. 1500, a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy.

S.B. 1501, a bill to amend the Constitution to expand the punishments for conviction of a crime and to amend Statutes allowing good time deductions from prison or jail sentences.

S.B. 1502, a bill to appropriate funds for the construction of additional prison beds, to replace aging prison facilities, and to raise the prison population cap.

S.B. 1503, a bill to appropriate funds to expand the electronic surveillance and intensive supervision programs.

S.B. 1504, a bill to provide for the development of a pilot program at a private alcohol and drug abuse detention center, to make stipulations on satellite jail funding and community penalties programs, and to provide funds for private sector corrections pilot programs.

S.B. 1505, a bill to create and appropriate funds for the Criminal Justice Facility Fund.

S.B. 1506, a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases.

S.B. 1507, a bill to appropriate funds to raise the per diem payments for State inmates in county jails.

S.B. 1508, a bill to provide that both felons and misdemeanants shall be eligible for intensive probation.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Plyler, Allran, Ballance, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner:

S.J.R. 1601, a joint resolution honoring the life and memory of Fred Moore Mills, Jr.

Pursuant to Resolution 34, the joint resolution is ordered held as filed in the Office of the Principal Clerk.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1376, a bill amending G.S. 40A-3, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner--42.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1586, a bill to accelerate the payment of sales taxes and gross receipts taxes by utilities and to accelerate the payment of withheld individual income taxes by employers, as amended, upon second reading.

Senator Royall offers Amendment No. 3, which is adopted (43-0).

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 11, for further consideration, upon third reading.

H.B. 1030 (Committee Substitute), a bill to amend the Statutes regulating bingo, with Amendment No. 1 pending, upon third reading.

Without objection, on motion of Senator Block, the Committee Substitute bill with Amendment No. 1 pending, is placed on the Calendar for the next legislative day.

WITHDRAWAL FROM COMMITTEE

H.J.R. 2098, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of John Knox McNeill, Jr., former Mayor of the City of Raeford, and recognizing the celebration of National Turkey Lovers' Month in his honor.

On motion of Senator Winner, the rules are suspended (45-0), and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed before the Senate for immediate consideration.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Staton for the **Banks and Thrift Institutions Committee:**

S.B. 1354, a bill to regulate refund anticipation loans, with a favorable report.

On motion of Senator Staton, the bill is re-referred to the **Finance Committee**

S.B. 1349, a bill to reduce from five years to three years the moratorium on acquisition of a North Carolina bank or savings association by an out-of-state institution, with a favorable report, as amended.

S.B. 1350, a bill to make technical and conforming changes to the savings institutions law, with a favorable report, as amended.

On motion of Senator Barnes, seconded by Senator Johnson of Wake, the Senate adjourns at 1:35 P.M. to meet Monday, June 11, at 8:00 P.M.

ONE HUNDRED FORTY-FIRST DAY

SENATE CHAMBER,
Monday, June 11, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, freedom is a word we often use, and it is at the core of our government in this State and in this nation. Please do not let us take this gift for granted, instead remind us that there are people in the world today who are tasting the fruits of political freedom for the first time in decades. Help them as they struggle with the responsibilities that freedom brings.

"Yet, remind us that even as we stand here, in Your presence at this moment, oppression still exists, officially and unofficially, all over the world.

"While, we do have our own set of problems to solve, Father, help us to keep them in perspective. Thank You that among the problems we face today, a lack of freedom is not among them. Enable us to use the freedom You have given us in the service of

others. For where a willingness to serve others is not, neither is there freedom. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Thursday, June 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills are reported from standing committee, read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S.B. 1444, a bill to appropriate State funds for community action agencies and to permit the use of Community Service Block Grant funds for the administration of community action agency programs, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee.**

S.B. 1549, a bill to remove barriers to use of the Food Stamp Program and to appropriate funds, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following resolution filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senators Plyler, Johnson of Wake, Harris, Conder, and Richardson:

S.J.R. 1602, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to consolidate, clarify, and improve the Statutes relating to railroad/motor vehicle safety.

Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.J.R. 2096, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to limit to four years service of the Speaker and Speaker *Pro Tempore* of the House of Representatives.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2177, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to increase the maximum fine for parking in a handicapped parking space.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2178, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to encourage appointments to the State Board of Cosmetic Art Examiners that are representative of the licensed cosmetologist profession.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2194, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2230, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to authorize creation of county recreation and security service districts.
Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2240, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to extend to two years the time period for which victims ten years old or younger may receive compensation for economic loss from the Victims Compensation Fund.
Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2040, a bill to remove the percentage area limitation on voluntary satellite annexations by the City of Statesville.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2063, a bill to amend the law protecting migratory wildfowl in Currituck Sound and its tributaries.
Referred to **Marine Resources and Wildlife Committee.**

H.B. 2064, a bill to add two members to the Board of Education of Dare County and to provide for the election of the members of said Board.
Referred to **Education Committee.**

H.B. 2065, a bill to repeal the prohibition on bear hunting in Dare County and to authorize the establishment of seasons for hunting black bears in Dare County.
Referred to **Marine Resources and Wildlife Committee.**

H.B. 2099, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue Pender County weapon permits.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2120, a bill to allow the Davie County Board of County Commissioners to increase the extraterritorial planning jurisdiction of the Town of Mocksville within Davie County out to two miles beyond the corporate limits.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2121, a bill to authorize the Board of Commissioners of Davie County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davie County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2123, a bill to allow Henderson County to name private roads in unincorporated areas.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2124, a bill to make a technical correction in a 1987 act which regulated the shining of lights in deer areas in the Counties of Bertie and Madison.
Referred to **Marine Resources and Wildlife Committee.**

H.B. 2128, a bill to require consent of the Rockingham County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Rockingham County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2131, a bill to prohibit the discharge of a firearm from certain roads in Martin County and to regulate the discharge of a rifle of greater than .22 calibers in Martin County.
Referred to **Marine Resources and Wildlife Committee.**

H.B. 2132, a bill to allow the Town of Kernersville to dispose of certain real property by private negotiation and sale.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2134, a bill to authorize the City of Burlington to convey a tract of land to Habitat for Humanity, at private sale.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2135, a bill to authorize the City of Burlington to convey a tract of land to Ralph Scott Group Homes, Inc., at private sale.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2152, a bill to authorize the City of Greenville to increase the number of Parking Authority Commissioners.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2153, a bill to change the responsibility for appointing and supervising the City Clerk and City Treasurer (Finance Director) of the City of Statesville from the Council to the Manager.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2159, a bill to add Mitchell County to the areas covered by the Statewide Fox Management Plan.
Referred to **Marine Resources and Wildlife Committee.**

H.B. 2161 (Committee Substitute), a bill to authorize the City of Oxford, North Carolina, to dispose of property by private sale in connection with lease-purchase arrangements for converting the D.N. Hix School complex into a city hall and fire house, and to allow McDowell County to reconvey property it obtained without monetary consideration because such property is not needed for the purpose it was acquired.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2170, a bill to revise and consolidate the Charter of the Town of Chadbourn.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2199, a bill to prohibit the discharge of firearms on or across any highway in Watauga County.
Referred to **Marine Resources and Wildlife Committee.**

H.B. 2220, a bill to establish fox seasons in Anson County.
Referred to **Marine Resources and Wildlife Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 250 House of Representatives
(Committee Substitute) June 6, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Comm. Sub. H.B. No. 250, A

BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF NEGLECTED CHILD WITHIN THE JUVENILE JURISDICTION OF THE DISTRICT COURT, and requests conferees. The Speaker has appointed Representatives Barnes, Stam and S. Thompson, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.J.R. 2098, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of John Knox McNeill, Jr., former Mayor of the City of Raeford, and recognizing the celebration of National Turkey Lovers' Month in his honor. (Res. 36)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1359 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, to amend the Tax Fairness Act of 1989 to provide transitional adjustments relating to Subchapter S Corporations and depreciation deductions, to adopt the federal standard deduction and personal exemption amounts for 1990, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, and to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, upon second reading.

On motion of Senator Winner, consideration of the Committee Substitute bill is postponed until Tuesday, June 12.

S.B. 1586, a bill to accelerate the payment of sales taxes and gross receipts taxes by utilities and to accelerate the payment of withheld individual income taxes by employers, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1349, a bill to reduce from five years to three years the moratorium on acquisition of a North Carolina bank or savings association by an out-of-state institution.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1350, a bill to make technical and conforming changes to the savings institutions law.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1030 (Committee Substitute), a bill to amend the Statutes regulating bingo, upon third reading, with Amendment No. 1 pending.

With unanimous consent, Senator Winner withdraws Amendment No. 1 and the question reverts to the passage of the Committee Susbstitute bill upon its third reading.

Senator Winner offers Amendment No. 2 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (45-2) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 2.

WITHDRAWALS FROM COMMITTEE AND RECONSIDERATION

S.B. 647 (Committee Substitute), a bill to provide a means for financing all or part of a convention center in Charlotte, recalled from the House of Representatives on June 5 for further consideration and referred to the **Finance Committee**.

Senator Rauch offers a motion that the Committee Substitute bill be taken from the **Finance Committee** and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

Senator Rauch offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

On motion of Senator Rauch, the Committee Substitute bill is recommitted to the **Finance Committee**.

S.B. 625 (Committee Substitute), a bill to repeal a local act freezing the boundaries of the Monroe City School Administrative Unit, recalled from the House of Representatives for further consideration and referred to the **Local Government and Regional Affairs Committee** on June 6.

Senator Sands offers a motion that the Committee Substitute bill be taken from the **Local Government and Regional Affairs Committee** and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

Senator Sands offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

On motion of Senator Sands, the Committee Substitute bill is recommitted to the **Local Government and Regional Affairs Committee**.

RE-REFERRAL

S.B. 1543, a bill to clarify the authority of local school boards to select supplemental instructional material, to clarify requirements concerning the development of differentiated pay plans, and to appropriate funds for the implementation of differentiated pay plans.

On motion of Senator Conder, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is recommitted to the **Education Committee**.

EXECUTIVE ORDERS

An Executive Order received is presented to the Senate, read, and referred to committee, as follows: (See Appendix)

Executive Order Number 117, Amending Executive Order Number 108, to include the Secretary of The Department of Revenue in the membership of the North Carolina Drug Cabinet.

Referred to **State Government Committee**.

REPORT FROM THE DEPARTMENT OF TRANSPORTATION

Pursuant to Chapter 460 of the 1989 Session Laws, the Report from the Department of Transportation on Outdoor Advertising is presented to the Senate.

The Senate accepts the Report, which is ordered placed on file in the Legislative Library. (See Addendum)

The President recognizes the following pages serving in the Senate this week:

Emily K. Adams, Boone; Jenna M. Baker, Belhaven; Allen P. Bennett, Charlotte; Tracy D. Bennett, Charlotte, Vanessa Calhoun, Monroe; Samuel M. Cone, Greensboro; Thomas L. DeLeot, Winston-Salem; Courtney E. Edgerton, Garner; B.J. Faulk, Monroe; Steven Fowler, Zebulon; Jeaneal Guy, Jacksonville; Charles H. Harris, Greenville; Laura E. Hatley, Concord; James G. Herring Jr., Asheboro; Telley Hess, Salisbury; Roy E. High, Fayetteville; Bryson R. Koehler, Winston-Salem; Wayne Lassiter, Asheboro; Anthony S. Mahan, Burlington; David C. Martin, Winston-Salem; Aaron C. Mayer, Raleigh; Alyssa R. Miller, Asheville; Marcy A. Shavender, Belhaven; Michael Vinson, Fayetteville; Victoria L. Watchel, Raleigh; Jennifer Webb, Ellerbe; and Laura Wells, Winston-Salem.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2386, a joint resolution honoring the life and memory of John Knox McNeill, Jr., former Mayor of the City of Raeford, and recognizing the celebration of National Turkey Lovers' Month in his honor.

On motion of Senator Parnell, the measure is placed on the Calendar for Monday, June 18.

On motion of Senator Barnes, seconded by Senator Chalk, the Senate adjourns at 8:50 P.M. to meet tomorrow, June 12, at 1:00 P.M.

ONE HUNDRED FORTY-SECOND DAY

SENATE CHAMBER,
Tuesday, June 12, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, in the absence of the President of the Senate.

Prayer is offered by the Reverend Susan Moore, Minister of New Hope Methodist Church, Blanch, as follows:

"Eternal God: We give Thee thanks this day for the opportunity to serve Thee. You have caused us to be those chosen to do Your work in this assembly. Keep us

ever mindful that this goodly land You have created does not belong to us, but rather we belong to her. From the ever-decreasing sands of the Outer Banks to the exalted beauty of our Highlands, our brothers and sisters look to us to lead, to choose, to establish.

"Help us this day, O Lord, to establish justice and right that we may hear and honor, not only those who agree with us, but those who disagree as well.

"Help us this day to lead this State that we and she might continue to be what is best, to be what is good, to be what is true, to be what is right, rather than only to seem.

"Let us live this day, and all our days, ever heeding that still small voice that has echoed through the ages, 'Esse Quam Videri.'

"For Thy Kingdom's sake. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces that the Journal of yesterday, June 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Harris, due to a medical emergency.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bill filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senator Plyler:

S.J.R. 1603, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to increase the fees that may be charged by State Board of Barber Examiners.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2047 (Committee Substitute), a bill to provide for direct conversion of a savings institution to a bank and a bank to a savings institution.

Referred to **Banks and Thrift Institutions Committee.**

H.B. 2048 (Committee Substitute), a bill to make technical and conforming changes to the Savings Institutions Law.

Referred to **Banks and Thrift Institutions Committee.**

H.B. 2079, a bill to increase the maximum vehicle tax that can be levied in the Town of Ahoskie from five dollars to ten dollars.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2081, a bill to increase the maximum vehicle tax that can be levied in the City of Gastonia from five dollars to fifteen dollars.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2111, a bill to change the pay date for the Haywood County schools.

Referred to **Education Committee.**

H.B. 2185, a bill to increase the bond requirements for proprietary schools.
Referred to **Higher Education Committee.**

S.B. 1337 (House Committee Substitute), a bill to make various technical amendments to the General Statutes and to the Session Laws and for other purposes, for concurrence in the House Committee Substitute bill.
Referred to **Constitution Committee.**

INTRODUCTION OF BILLS

Senator Winner offers a motion that bills ordered held as filed in the Office of the Principal Clerk pursuant to Resolution 34, be called from the Principal Clerk's Office, presented to the Senate, read the first time, and referred to committee, which motion prevails. Bills presented to the Senate are read the first time, and disposed of, as follows:

S.B. 1420, a bill to establish fees for processing erosion control plan approvals under the Sedimentation Pollution Control Act.
Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Finance Committee.**

S.B. 1425, a bill to establish fees for processing applications for permits and to improve permit processing and compliance under the Coastal Management Act.
Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Finance Committee.**

S.B. 1437, a bill to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund.
Referred to **Insurance Committee** and upon a favorable report re-referred to **Finance Committee.**

S.B. 1467, a bill to increase the fees that may be charged by the State Board of Barber Examiners.
Referred to **Finance Committee.**

S.B. 1533, a bill to authorize the Department of Justice to charge dormitory fees at the North Carolina Justice Academy.
Referred to **Finance Committee.**

S.B. 1552, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities.
Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Finance Committee.**

The President of the Senate, Lieutenant Governor Gardner, assumes the gavel.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1352, an act to clarify use of the term "bank," "banking," "banker," or "trust" in connection with a business. (Ch. 805)

S.J.R. 1377, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Fred Moore Mills, Jr. (Res. 37)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1359 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, to amend the Tax Fairness Act of 1989 to provide transitional adjustments relating to Subchapter S Corporations and depreciation deductions, to adopt the federal standard deduction and personal exemption amounts for 1990, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, and to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, upon second reading.

Without objection on motion of Senator Winner, David Crotts, staff member of the Fiscal Research Department, is granted courtesies of the floor to advise in the explanation of the Committee Substitute bill.

Senator Winner offers Amendment No. 1, held to be material, which is adopted (37-9), constituting the first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, June 13, for further consideration, upon second reading.

H.B. 1147 (Senate Committee Substitute), a bill to clarify that a joint tenancy with right of survivorship may be created if the right of survivorship is expressly provided for in the instrument creating the joint tenancy.

On motion of Senator Block, the Senate Committee Substitute bill is postponed until tomorrow, June 13.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 250 (Committee Substitute), a bill to clarify the definition of neglected child within the juvenile jurisdiction of the District Court.

Pursuant to the message from the House of Representatives received Monday, June 11, requesting conferees, Senator Johnson of Cabarrus offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Johnson of Cabarrus (Chairman), Marvin, and Walker as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECALL FROM THE ENGROSSING OFFICE AND RECONSIDERATION

Senator Staton offers a motion that **S.B. 1349**, a bill to reduce from five years to three years the moratorium on acquisition of a North Carolina bank or savings association by an out-of-state institution, ordered engrossed yesterday, June 11, be recalled from the Engrossing Office for further consideration, which motion prevails, and the bill is presented to the Senate.

Senator Staton offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Staton offers a motion that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Staton further offers a motion that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails.

On motion of Senator Staton and with unanimous consent, Committee Amendment No. 1 is withdrawn by the Chairman of the **Banks and Thrift Institutions Committee.**

Senator Staton, consequently, offers Amendment No. 2 which is adopted (46-0). The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 1:37 P.M. to meet tomorrow, June 13, at 1:00 P.M.

ONE HUNDRED FORTY-THIRD DAY

SENATE CHAMBER,
Wednesday, June 13, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, the world we live in has become an increasingly complex blend of technical, economic, political and social realities. Decision making has become, at most levels, an overwhelming process. There are so many who need so much. Time is short.

"You have said to us, 'those of you who labor and are burdened down, come to Me and I will give you rest.' Yet we say, how can we rest with so much to be done?

"It is restful to know, Father, that while the demands of the world are many, Your requests of us, by comparison, are few: to act justly; to love mercy; to walk humbly with our God.

"Help us to use these three requests from You as a means by which to sort out the demands placed upon us. Remind us that while what You ask of us is uncomplicated, it is the essential beginning point for all other decisions. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Harris, Johnson of Wake, and Royall.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Rules and Operation of the Senate Committee**:

S.J.R. 1436, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes, with a favorable report.

S.J.R. 1498, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to make releasing of motor vehicles unlawful, with a favorable report.

S.J.R. 1560, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds, with a favorable report.

H.J.R. 2053, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Herbert Clifton Blue, former member of the General Assembly, with a favorable report.

H.J.R. 2174, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require that notice of liens for the cost and damages payable to the United States for the cleanup of any site covered by CERCLA/SARA be filed in the Office of the Clerk of Superior Court of the county in which the property is located, with a favorable report.

H.J.R. 2177, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to increase the maximum fine for parking in a handicapped parking space, with a favorable report.

H.J.R. 2230, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to authorize creation of county recreation and security service districts, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Taft:

S.J.R. 1604, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide the rules and procedures for municipal redistricting in 1991.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2044 (Committee Substitute), a bill to make a technical correction in the description of Lake Adger in a 1989 Act concerning a "slow-no-wake" area.

Referred to **Marine Resources and Wildlife Committee.**

H.B. 2060 (Committee Substitute), a bill to extend the season for hunting bear in certain areas of Gates County.

Referred to **Marine Resources and Wildlife Committee.**

H.B. 2075, a bill to authorize the Town of Cary to levy an occupancy tax.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2101, a bill to annex certain described territory to the Town of Trent Woods, and providing that the general law on compensation of municipal officers shall apply.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2119, a bill to authorize Davie County to levy a room occupancy and tourism development tax.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee**.

H.B. 2133, a bill to transfer a tract of land from the corporate limits of the City of Burlington to the corporate limits of the Town of Elon College.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1359 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, to amend the Tax Fairness Act of 1989 to provide transitional adjustments relating to Subchapter S Corporations and depreciation deductions, to adopt the federal standard deduction and personal exemption amounts for 1990, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, and to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, as amended, upon second reading.

Following debate, on motion of Senator Taft, further consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, June 19 (47-0).

H.B. 1147 (Senate Committee Substitute), a bill to clarify that a joint tenancy with right of survivorship may be created if the right of survivorship is expressly provided for in the instrument creating the joint tenancy.

On motion of Senator Block, the Senate Committee Substitute bill is recommitted to the **Judiciary III Committee**.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read, together with the report accompanying it, and takes its place on the Calendar, as follows:

Senator Odom, Chairman of the **State Personnel Committee**, submits the following report:

CONFIRMATION OF APPOINTMENT STATE PERSONNEL COMMISSION

In compliance with the provisions of G.S. 126-2 requiring appointees to the State Personnel Commission to be confirmed by the General Assembly, Governor Martin has submitted his appointee, Robert M. Frazer, for confirmation. The Governor has appointed Mr. Frazer to replace Mr. Malachi Greene. His term will begin immediately and will expire on June 30, 1995.

The Senate Committee on State Personnel has considered the appointment and makes the following recommendation to the General Assembly:

> That the appointment of Robert M. Frazer to the State Personnel Commission beginning immediately and expiring June 30, 1995, be confirmed.

On motion of Senator Odom, the report is placed before the Senate for immediate consideration for confirmation.

Senator Odom offers a motion that the Senate do confirm the appointment by the Governor of Robert M. Frazer to the State Personnel Commission, which motion prevails by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The Chair orders a special message sent to the House of Representatives notifying that Honorable Body of the action of the Senate.

APPOINTMENT BY THE GOVERNOR

The Chair directs the Reading Clerk to read the following letter from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

June 11, 1990

The Honorable James C. Gardner
Lieutenant Governor of North Carolina
State Capitol Building
Raleigh, North Carolina 27611

Dear Lieutenant Governor Gardner:

Pursuant to North Carolina General Statute 113-254, I hereby reappoint Kenny L. Daniels of Dare County as a member of the Atlantic States Marine Fisheries Commission to serve a term beginning July 1, 1990 and expiring June 30, 1993, subject to confirmation by the North Carolina State Senate. Furthermore, I hereby submit his name to the Senate for confirmation.

Sincerely,
S/James G. Martin
Governor

Referred to Marine Resources and Wildlife Committee.

RESOLUTIONS FROM OTHER STATES

The following resolution is received from another legislative body, presented to the Senate, read, and ordered placed on file in the Office of the Principal Clerk: (See Addendum)

Ohio House of Representatives House Concurrent Resolution Number 41, a resolution Memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Windfall.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 1455, a bill to provide that an extension of time for filing an individual income tax return is not an extension of time for paying the tax, with favorable report.

S.B. 1525, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, with favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Appropriations Committee**.

S.B. 1526, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, with favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Appropriations Committee**.

S.B. 1464, a bill to provide that the North Carolina State Ports Authority may receive refunds of sales and use taxes paid on direct purchases of tangible personal property, with a favorable report, as amended.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

S.B. 647 (Committee Substitute), a bill to provide a means for financing all or part of a convention center in Charlotte, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill No. 2 is adopted.

On motion of Senator Rauch, the Committee Substitute bill No. 2, is placed on the Calendar for tomorrow, June 14, for further consideration.

H.B. 1350 (Committee Substitute), a bill to extend to one year the time period in which a taxpayer may file for a refund of taxes paid when the taxpayer asserts a valid defense to the enforcement of the collection of the tax, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 1350** (Senate Committee Substitute), a bill to extend to three years the time period in which a taxpayer may file for a refund of individual income taxes paid when the taxpayer asserts a valid defense to the enforcement of the collection of the tax, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Ways and Means Committee**.

On motion of Senator Barnes, seconded by Senator Wilson, the Senate adjourns at 1:49 P.M. to meet tomorrow, June 14, at 1:00 P.M.

ONE HUNDRED FORTY-FOURTH DAY

SENATE CHAMBER,
Thursday, June 14, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Norman Whitney, Minister of Bethany Presbyterian Church, as follows:

"Father, Your wisdom governs the universe and You have been pleased to share Your authority to govern with human beings. We thank You for Your presence in this place and pray that Your wisdom would guide the work of this Senate, and that Your grace would bless the State of North Carolina.

"We ask these things in our Lord's Name. Amen."

In commemoration of this day set aside to honor the American flag and the principles for which it stands, the President of the Senate directs the members to remain standing along with the visitors in the gallery and recognizes Senator Harris of Cleveland who leads the pledge of allegiance to the United States of America.

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Smith, who is attending a meeting of the Southern Regional Education Board in Naples, Florida, and to Senator Chalk, who is speaking at a meeting in Greensboro.

REPORTS OF COMMITTEES

The following bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission and to provide for the study of the organization, functions, powers, and duties of the commission, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills which are read the first time and disposed of as follows:

H.B. 2114, a bill to allow Bladen County to acquire property for use by the Bladen and Columbus County Boards of Education.
Referred to **Education Committee.**

H.B. 2200, a bill to enable residents of the City of Mebane to fish without a hook and line fishing license within Lake Michael, a municipal water impoundment.
Referred to **Marine Resources and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 647 (Committee Substitute No. 2), a bill to provide a means for financing all or part of a convention center in Charlotte, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Basnight, Block, Bryan, Carpenter, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: Senators Cochrane, Ezzell, and Shaw—3

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, June 15, for further consideration, upon third reading.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barker for the **Marine Resources and Wildlife Committee:**

S.B. 1479, a bill to enable residents of the City of Mebane to fish without a hook and line fishing license within Lake Michael, a municipal water impoundment, with a favorable report.

On motion of Senator Barker, the bill is placed on the Calendar for Tuesday, June 19.

S.B. 1529, a bill to authorize the Wildlife Resources Commission to use funds to construct boating access areas at Cedar Island and at Ocracoke Island, to repair the dam at Lake Rim Fish Hatchery, and to construct a visitor center at Pisgah Forest Fish Hatchery, with a favorable report.

On motion of Senator Barker, the bill is re-referred to the **Appropriations Committee.**

H.B. 2060 (Committee Substitute), a bill to extend the season for hunting bear in certain areas of Gates County, with a favorable report.

On motion of Senator Barker, the Committee Substitute bill is placed on the Calendar for Tuesday, June 19.

H.B. 2063, a bill to amend the law protecting migratory wildfowl in Currituck Sound and its tributaries, with a favorable report.

On motion of Senator Barker, the bill is placed on the calendar for Tuesday, June 19.

H.B. 2124, a bill to make a technical correction in a 1987 act which regulated the shining of lights in deer areas in the Counties of Bertie and Madison, with a favorable report.

On motion of Senator Barker, the bill is placed on the Calendar for Tuesday, June 19.

H.B. 2131, a bill to prohibit the discharge of a firearm from certain roads in Martin County and to regulate the discharge of a rifle of greater than .22 calibers in Martin County, with a favorable report.

On motion of Senator Barker, the bill is placed on the Calendar for Tuesday, June 19.

H.B. 2159, a bill to add Mitchell County to the areas covered by the Statewide Fox Management Plan, with a favorable report.

On motion of Senator Barker, the bill is placed on the Calendar for Tuesday, June 19.

H.B. 2199, a bill to prohibit the discharge of firearms on or across any highway in Watauga County, with a favorable report.

On motion of Senator Barker, the bill is placed on the Calendar for Tuesday, June 19.

H.B. 2220, a bill to establish fox seasons in Anson County, with a favorable report.

On motion of Senator Barker, the bill is placed on the Calendar for Tuesday, June 19.

S.B. 1509, a bill to authorize water column leases for aquaculture within recognized shellfish franchises, with a favorable report, as amended.

On motion of Senator Barker, the bill is placed on the Calendar for Tuesday, June 19.

H.B. 2065, a bill to repeal the prohibition on bear hunting in Dare County and to authorize the establishment of seasons for hunting black bears in Dare County, with a favorable report, as amended.

On motion of Senator Barker, the bill is placed on the Calendar for Tuesday, June 19.

CALENDAR (Continued)

S.J.R. 1436, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1455, a bill to provide that an extension of time for filing an individual income tax return is not an extension of time for paying the tax.

Senator Royall offers Amendment No. 1, held to be material, which is adopted (47-0), constituting the first reading of the measure.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 15, for further consideration, upon second reading.

S.J.R. 1498, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to make releasing of motor vehicles unlawful.

The joint resolution passes its second (48-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.J.R. 1560, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds.

The joint resolution passes its second (46-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.J.R. 2053, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Herbert Clifton Blue, former member of the General Assembly.

The joint resolution passes its second (42-0) and third readings and is ordered enrolled.

H.J.R. 2174, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require that notice of liens for the cost and damages payable to the United States for the cleanup of any site covered by CERCLA/SARA be filed in the Office of the Clerk of Superior Court of the county in which the property is located.

The joint resolution passes its second (47-0) and third readings and is ordered enrolled.

H.J.R. 2177, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to increase the maximum fine for parking in a handicapped parking space.

The joint resolution passes its second reading (33-13).

On motion of Senator Bryan the third reading is taken by electronic vote.

The joint resolution passes it third reading (47-0) and is ordered enrolled.

H.J.R. 2230, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to authorize creation of county recreation and security service districts.

The joint resolution passes its second (47-0) and third readings and is ordered enrolled.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Royall offers a motion to the end the rules be suspended to allow the following joint resolution filed earlier today be presented to the Senate and read a first time, which motion prevails.

By Senator Royall:

S.J.R. 1605, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution inviting the Governor to address a joint session of the Senate and House of Representatives on Thursday, June 14, 1990.

On motion of Senator Royall, the joint resolution remains before the Senate for further consideration upon its passage.

The joint resolution passes its second (48-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

RECALL FROM THE ENGROSSING OFFICE AND RECONSIDERATION

Senator Staton offers a motion that **S.B. 1350**, a bill to make technical and conforming changes to the savings institutions law, be recalled from the Engrossing Office for further consideration, which motion prevails, and the bill is presented to the Senate.

Senator Staton offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

On motion of Senator Staton, the bill, as amended, is recommitted to the **Banks and Thrift Institutions Committee.**

WITHDRAWAL FROM COMMITTEE

H.B. 2048 (Committee Substitute), a bill to make technical and conforming changes to the Savings Institutions Law.

On motion of Senator Staton, the rules are suspended, and the Committee Substitute bill is taken from the **Banks and Thrift Institutions Committee** and is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

On motion of Senator Barnes, seconded by Senator Daughtry, the Senate adjourns at 2:00 P.M. to meet tomorrow, June 15, at 10:00 A.M.

ONE HUNDRED FORTY-FIFTH DAY

SENATE CHAMBER,
Friday, June 15, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, for those moments in our past when we chose our way rather than Your way, when we were not Your servants, forgive us.

"For these moments today, in the present, guide and direct our energies. Help us to make our work not a solo, but a collaborative effort with You.

"For the days ahead, for our future, give to us a vision of what could be, of ways to enhance the strong legacy of this State for the good of all her people. These three things we ask in Your Name, which is synonymous with compassion, strength, and vision. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Swain, for medical reasons; Senator Parnell who is observing prison construction in the State of Georgia; and to Senator Smith.

On motion of Senator Barnes, the Chair extends courtesies of the floor to the North Carolina State 4-A Baseball Championship team from Hoke County High School and their coach Joe Critcher, who approach the well of the Senate and briefly address the membership.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S.B. 1443, a bill to amend the reporting date from 1990 to 1991 for filing with the General Assembly of a Social Services Plan for the State of North Carolina by the Department of Human Resources, with a favorable report.

By Senator Winner for the **Rules and Operation of the Senate Committee**:

H.J.R. 2194, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly, with a favorable report.

By Senator Staton for the **Banks and Thrift Institutions Committee:**

H.B. 2047 (Committee Substitute), a bill to provide for direct conversion of a savings institution to a bank and a bank to a savings institution, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Staton, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Staton, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 18, for further consideration.

By Senator Royall for the **Appropriations Committee:**

S.B. 1426, a bill to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other changes in the budget operation of the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

(Pursuant to G.S. 143-15, see Addendum for Report attached to S.B. 1426, Senate 1990-91 Budget Recommendations, dated June 14, 1990.)

On motion of Senator Royall, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Royall, the Committee Substitute bill is placed on the Calendar for Monday, June 18, for further consideration.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.J.R. 2024, a joint resolution honoring the life and memory of Elisha Mitchell on the Seventy-Fifth Anniversary of Mount Mitchell State Park and commemorating the establishment of the First State Park in North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 2080, a bill changing the method of electing the Town of Williamston Board of Commissioners to improve the opportunity for minority voters to elect candidates of their choice.

Referred to **Election Laws Committee.**

H.B. 2100, a bill to validate the 1989 election in the Town of Watha.

Referred to **Election Laws Committee.**

H.B. 2158, a bill allowing construction of an elementary school in Bertie County using the design-build contract system.

Referred to **Education Committee.**

H.B. 2186 (Committee Substitute), a bill to amend the laws relating to the regulation of proprietary schools.

Referred to **Education Committee.**

H.B. 2196, a bill to authorize the Town of Caswell Beach to create a sea turtle sanctuary.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 2197, a bill to increase the membership of the Town of Long Beach Alcoholic Beverage Control Commission from a chairman and two members to a chairman and four members.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 2208, a bill to provide that it is unlawful to request ambulance service in Cleveland County when that service is not needed.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2247, a bill allowing the City of Lumberton in arriving at the amount of consideration for an economic development conveyance to take into consideration prospective revenues generated by the development.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2256, a bill to authorize the Town of Pilot Mountain to extend its extraterritorial zoning.
Referred to **Local Government and Regional Affairs Committee.**

H.J.R. 2303, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to expand the egg promotion tax to include processed eggs.
Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2372, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Addison Hewlett, Jr., a former Speaker of the House of Representatives.
Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 2384, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to consolidate, clarify, and improve the Statutes relating to railroad/motor vehicle safety.
Referred to **Rules and Operation of the Senate Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 2048 (Committee Substitute), an act to make technical and conforming changes to the Savings Institutions Law. (Ch. 806)

H.J.R. 2053, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Herbert Clifton Blue, former member of the General Assembly. (Res. 38)

H.J.R. 2174, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require that notice of liens for the cost and damages payable to the United States for the cleanup of any site covered by CERCLA/SARA be filed in the Office of the Clerk of Superior Court of the county in which the property is located. (Res. 39)

H.J.R. 2177, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to increase the maximum fine for parking in a handicapped parking space. (Res. 40)

H.J.R. 2230, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to authorize creation of county recreation and security service districts. (Res. 41)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 647 (Committee Substitute No. 2), a bill to provide a means for financing all or part of a convention center in Charlotte, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: Senator Cochrane—1.

The Committee Substitute bill No. 2 is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1455, a bill to provide that an extension of time for filing an individual income tax return is not an extension of time for paying the tax, as amended, upon second reading.

On motion of Senator Royall, consideration of the bill is postponed until Tuesday, June 19.

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission and to provide for the study of the organization, functions, powers, and duties of the commission.

The bill passes its second reading (45-0).

Senator Barker objects to the third reading of the bill.

The bill remains on the Calendar for Monday, June 18, for further consideration, upon third reading.

On motion of Senator Taft, seconded by Senator Barnes, the Senate adjourns at 10:45 A.M. in honor of Edmund Hoover Taft, Jr., father of Thomas F. Taft, Senator from Pitt County, to meet Monday, June 18, at 8:00 P.M.

ONE HUNDRED FORTY-SIXTH DAY

SENATE CHAMBER,
Monday, June 18, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, Community is a word we often use to refer to a place, a town or neighborhood, a spot on the map.

"Yet tonight, as this Body of legislators comes together, we recognize that the word community describes not so much a place but a feeling. A feeling of camaraderie, a sense of shared experiences, shared burdens and shared accomplishments. True community, we realize, Father, comes not because everyone agrees with each other. Community in its truest sense is a willingness to care for each other even when we disagree.

"Help us, O God, to care for each other, to remember that we are all Your children, as we seek to grapple with the problems before us. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Friday, June 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends courtesies of the gallery to the Honorable Lacy Thornburg, Attorney General of North Carolina.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bill filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senators Hunt of Durham and Royall:

S.J.R. 1606, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to prohibit the siting of a hazardous waste facility operated pursuant to Chapter 130B of the General Statutes within ten miles of any municipality in the State.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2113, a bill to provide that Bladen County is authorized to construct gas lines.
Referred to **Public Utilities Committee.**

H.B. 2116, a bill to provide that the additional tax on motorcycles is to be used for the motorcycle safety instruction program.
Referred to **Finance Committee.**

H.B. 2171, a bill to amend the Charter of the City of Greensboro with respect to recall petitions.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2188, a bill to permit Wake County to use unmarked county vehicles for delivery of certain human services.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2191, a bill to allow the County of Pitt to acquire land for economic development and dispose of same without public sale.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2201, a bill to exclude from the corporate limits of the Town of Laurel Park an area recently discovered to be within those limits.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2272, a bill to modify the authority of Henderson County to regulate the subdivision of land.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2273, a bill amending the Charter of the City of Winston-Salem relating to fair housing.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2278, a bill to modify the school funding procedures for Robeson County.
Referred to **Education Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1426 (Committee Substitute), a bill to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other changes in the budget operation of the State.

Senator Royall offers Amendment No. 1 which is adopted (49-0).

Without objection, on motion of Senator Royall, the staff of the Fiscal Research Department is granted courtesies of the floor to assist in the explanation of the Committee Substitute bill.

Senator Bryan offers Amendment No. 2.

Pursuant to Rule 28, Senator Johnson of Cabarrus rises to a point of order as to Amendment No. 2 containing two separate substantive provisions.

The Chair sustains the point of order and divides Amendment No. 2 into Part A and Part B.

Senator Goldston rises to offer Amendment No. 3, a substitute amendment for Amendment No. 2.

The Chair rules Amendment No. 3 out of order and Senator Goldston subsequently withdraws Amendment No. 3.

Senator Tally rises to offer a substitute amendment for Amendment No. 2. The Chair rules any substitute amendment out of order, and the question remains the adoption of Amendment No. 2 by Senator Bryan.

Senator Royall raises a point of order as to Amendment No. 2 creating an unbalanced budget and the Chair sustains the point of order and rules Amendment No. 2 out of order.

Senator Bryan, consequently, offers a motion that Amendment No. 2 be temporarily displaced, which motion prevails (26-19).

Senator Martin of Pitt offers Amendment No. 4 which is adopted (48-0).

Senator Simpson offers Amendment No. 5 and calls for the "ayes" and "noes" on the question. The call is sustained.

Senator Royall offers a motion that Amendment No. 5 do lie upon the table, seconded by Senator Kaplan, which motion prevails by roll-call vote, ayes 32, noes 17, as follows:

Voting in the affirmative: Senators Ballance, Block, Conder, Daniel, Goldston, Guy, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Winner—32.

Voting in the negative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Ezzell, Hardin, Kincaid, Martin of Pitt, Shaw, Simpson, Smith, and Wilson—17.

Amendment No. 5 lies upon the table.

Senator Goldston offers Amendment No. 6 which is adopted (47-1).

Senator Daughtry offers Amendment No. 7.

Senator Royall offers a motion that Amendment No. 7 do lie upon the table, seconded by Senator Kaplan, which motion prevails (35-12). Amendment No. 7 lies upon the table.

Senator Tally offers Amendment No. 8 which fails of adoption (23-25).

Senator Martin of Guilford offers Amendment No. 9.

Senator Bryan offers a motion that the provisions of Amendment No. 9 be referred to the **Transportation Committee.**

The Chair rules the motion out of order.

Amendment No. 9 is adopted (28-20).

Senator Shaw offers Amendment No. 10.

Without objection, on motion of Senator Shaw, Amendment No. 10 is temporarily displaced.

Senator Daniel offers Amendment No. 11 which is adopted (48-0).

Without objection, Senator Shaw withdraws Amendment No. 10.

Senator Wilson offers Amendment No. 12.

Senator Marvin offers a motion that Amendment No. 12 do lie upon the table, seconded by Senator Kaplan, which motion prevails (26-22). Amendment No. 12 lies upon the table.

With unanimous consent, Senator Bryan withdraws Amendment No. 2.

Senator Bryan offers Amendment No. 13.

Senator Taft offers a motion that Amendment No. 13 do lie upon the table, seconded by Senator Kaplan.

Senator Bryan calls for the "ayes" and "noes" on the question. The call is sustained.

The motion offered by Senator Taft that Amendment No. 13 do lie upon the table prevails, by roll-call vote, ayes 27, noes 22, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Ezzell, Goldston, Harris, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Marvin, Murphy, Parnell, Rauch, Raynor, Sands, Sherron, Simpson, Soles, Staton, Swain, Taft, Tally, Walker, Ward, and Winner—27.

Voting in the negative: Senators Allran, Ballance, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Guy, Hardin, Hunt of Durham, Kincaid, Martin of Pitt, Martin of Guilford, Plyler, Richardson, Royall, Shaw, Smith, Speed, and Wilson—22.

Amendment No. 13 lies upon the table.

The Committee Substitute bill, as amended, passes its second (43-6) and third readings and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.J.R. 2361, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to restrict parole, good time, and gain time eligibility for offenders who commit first and second degree murder, and to provide notification of parole hearings to the district attorney, the victim's family, and the arresting law enforcement agency.

Referred to **Rules and Operation of the Senate Committee**.

H.J.R. 2385, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science.

Referred to **Rules and Operation of the Senate Committee**.

H.J.R. 2387, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to repeal the sunset on the limitation on insurance required on waterslides.

Referred to **Rules and Operation of the Senate Committee**.

H.J.R. 2388, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to delay the effective date of presumptive child support guidelines prescribed by the Conference of Chief District Court Judges.

Referred to **Rules and Operation of the Senate Committee**.

S.J.R. 1605, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution inviting the Governor to address a joint session of

the Senate and House of Representatives on Thursday, June 14, 1990, for concurrence in House Amendment No. 1.

On motion of Senator Royall, the rules are suspended without objection, and the joint resolution is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 1 (45-0) which changes the title to read, **S.J.R. 1605**, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution inviting the Governor to address a joint session of the Senate and House of Representatives on Thursday, June 21, 1990, and the joint resolution is ordered enrolled.

The President recognizes the following pages serving in the Senate this week:

Jorja J. Barker, New Bern; Mary Barker, New Bern; Jason C. Boyd, Kittrell; Yolanda D. Bryant, Moncure; Charlita C. Cardwell, Winston-Salem; Maribeth Cole, Gastonia; William B. Corkey, Raleigh; Sherry E. Davis, Lansing; Laura Elledge, North Wilkesboro; Napier Fuller, Wilmington; Tilary Greene, Raleigh; Travis Gupton, Louisburg; Yates Gupton, Supply; Melissa E. Hight, Manteo; Kara Jiles, Raleigh; Melissa S. McLamb, Gastonia; Kathy Ramseur, Raleigh; David T. Shepherd, Wake Forest; Ashley N. Smith, New Bern; Viola Stuckey, Oxford; James G. Underhill, New Bern; and Anna M. Wooddard, Raleigh.

Without objection, on motion of Senator Barnes, the following bills and resolutions remaining on the Calendar for tonight are carried forward as unfinished business:

S.B. 1443, a bill to amend the reporting date from 1990 to 1991 for filing with the General Assembly of a Social Services Plan for the State of North Carolina by the Department of Human Resources.

H.B. 2047 (Senate Committee Substitute), a bill to provide for direct conversion of a savings institution to a bank and a bank to a savings institution.

H.J.R. 2194, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly.

H.J.R. 2386, a joint resolution honoring the life and memory of John Knox McNeill, Jr., former Mayor of the City of Raeford, and recognizing the celebration of National Turkey Lovers' Month in his honor.

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission and to provide for the study of the organization, functions, powers, and duties of the commission.

On motion of Senator Barnes, seconded by Senator Daughtry, the Senate adjourns at 10:45 P.M. to meet tomorrow, June 19, at 1:00 P.M.

ONE HUNDRED FORTY-SEVENTH DAY

SENATE CHAMBER,
Tuesday, June 19, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we admit today that we frequently put You on the 'to do tomorrow' list. Today we are so busy, there are so many people we need to see, so many things that need our attention now.

"Forgive us when we forget to include You in our planning and in our doing. Help us to realize that Your desire for relationship with us is as great as our need for You.

"Today, we celebrate the fact that You are a patient and loving God, Who seeks us out, and Who guides our living in ways seen and unseen.

"For this gift of Yourself to us, O God, we give thanks. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Johnson of Wake.

ENROLLED BILLS

The Enrolling Clerk reports the following resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.J.R. 1498, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to make releasing of motor vehicles unlawful. (Res. 42)

S.J.R. 1605, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution inviting the Governor to address a joint session of the Senate and House of Representatives on Thursday, June 21, 1990. (Res. 43)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee**:

S.B. 1351, a bill to make technical changes relating to joint, trust, and personal agency accounts at financial institutions, with a favorable report.

S.B. 1496, a bill to extend time for the resolution of claims to land under navigable waters, with a favorable report.

H.B. 1135 (Committee Substitute), a bill to provide that a worthless check violation involving a check for more than one thousand dollars is a Class J felony punishable by up to three years' imprisonment, to provide that larceny of property and receipt of stolen goods valued at more than one thousand dollars is a Class H felony, to provide that a fraudulent attempt to obtain food stamps valued at more than one thousand dollars is a Class H felony, and to make conforming changes, with an unfavorable report.

H.B. 416 (Committee Substitute), a bill to require that headlights be illuminated when windshield wipers are on to make that vehicle more discernible during periods of limited visibility, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 416** (Senate

Committee Substitute), a bill to require that headlights be illuminated when windshield wipers are on to make that vehicle more discernible during periods of limited visibility and to require motor vehicles to have properly working speedometers, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 20, for further consideration.

H.B. 658 (Senate Committee Substitute), a bill to clarify the authority of law enforcement officers to arrest without a warrant for certain misdemeanors, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill No. 2 is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, June 20, for further consideration.

By Senator Sands for the **Local Government and Regional Affairs Committee:**

S.B. 1384, a bill to redefine the corporate boundaries of the Town of Stokesdale, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

S.B. 1398, a bill to codify the new method electing the Sampson County Board of Education established pursuant to the Federal Voting Rights Act, with a favorable report.

S.B. 1401, a bill to authorize Duplin County to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

S.B. 1414, a bill to authorize Burke County to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

S.B. 1419, a bill to revise and consolidate the Charter of the City of Reidsville, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

S.B. 1446, a bill to revise and consolidate the Charter of the City of Newton, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

S.B. 1449, a bill to change the filing period for the Leaksville Township Board of Education (Eden City School Administrative Unit), with a favorable report.

S.B. 1494, a bill to allow the Town of Richfield to be included within a rural fire protection district, with a favorable report.

S.B. 1383, a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity, with a favorable report, as amended.

On motion of Senator Sands, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendments No. 1 and No. 2 are adopted.

On motion of Senator Sands, the bill, as amended, is ordered engrossed and re-referred to the **Finance Committee.**

S.B. 1434, a bill to allow Duplin County to convey certain property in exchange for other property, with a favorable report, as amended.

By Senator Allran, Ranking Minority Member, at the request of Senator Johnson of Wake for the **Judiciary III Committee**:

S.B. 1389, a bill to provide that restitution may be ordered for the expense of the controlled substance analysis in a drug offense conviction, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of as follows:

H.B. 2050 (Committee Substitute), a bill to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by granting certain regulatory authority to the North Carolina Real Estate Commission Real Estate Appraisal Committee, to redesignate it a board, and to add a new classification of voluntary appraiser certification.
Referred to **Judiciary III Committee**.

H.B. 2077, a bill to permit Washington County to use grant-in-aid funds for an additional purpose.
Referred to **Appropriations Committee**.

H.B. 2228, a bill to reduce the number of appeals board votes required to reverse or modify an order of the City of Charlotte Housing Code official.
Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Monday, June 18, are taken up and disposed of, as follows:

S.B. 1443, a bill to amend the reporting date from 1990 to 1991 for filing with the General Assembly of a Social Services Plan for the State of North Carolina by the Department of Human Resources.
The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 2047 (Senate Committee Substitute), a bill to provide for direct conversion of a savings institution to a bank and a bank to a savings institution.
The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.J.R. 2194, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly.
The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

H.J.R. 2386, a joint resolution honoring the life and memory of John Knox McNeill, Jr., former Mayor of the City of Raeford, and recognizing the celebration of National Turkey Lovers' Month in his honor.
The joint resolution passes its second (47-0) and third readings and is ordered enrolled.

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission and to provide for the study of the organization, functions, powers, and duties of the commission, upon third reading.

On motion of Senator Barker, consideration of the bill is postponed until tomorrow, June 20.

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 2220, a bill to establish fox seasons in Anson County.

Without objection, on motion of Senator Barker, the bill is taken up out of its regular order of business.

On motion of Senator Barker, further consideration of the bill is postponed until Thursday, June 21.

S.B. 1479, a bill to enable residents of the City of Mebane to fish without a hook and line fishing license within Lake Michael, a municipal water impoundment.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 2060 (Committee Substitute), a bill to extend the season for hunting bear in certain areas of Gates County.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 2063, a bill to amend the law protecting migratory wildfowl in Currituck Sound and its tributaries.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2065, a bill to repeal the prohibition on bear hunting in Dare County and to authorize the establishment of seasons for hunting black bears in Dare County.

On motion of Senator Barker, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 2124, a bill to make a technical correction in a 1987 act which regulated the shining of lights in deer areas in the Counties of Bertie and Madison.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2131, a bill to prohibit the discharge of a firearm from certain roads in Martin County and to regulate the discharge of a rifle of greater than .22 calibers in Martin County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2159, a bill to add Mitchell County to the areas covered by the Statewide Fox Management Plan.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2199, a bill to prohibit the discharge of firearms on or across any highway in Watauga County.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1359 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, to amend the Tax Fairness Act of 1989 to provide transitional adjustments relating to Subchapter S Corporations and depreciation deductions, to adopt the federal standard deduction and personal exemption amounts for 1990, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, and to provide

additional tax relief for taxpayers with dependents who are permanently and totally disabled, as amended, upon second reading.

Pursuant to Rule 41.1, Senator Plyler, Chairman of the **Ways and Means Committee**, and Senator Royall, Chairman of the **Appropriations Committee**, call for the Committee Substitute bill, as amended, to be re-referred to the **Ways and Means Committee.**

The Chair orders the Committee Substitute bill, as amended, re-referred to the **Ways and Means Committee.**

S.B. 1455, a bill to provide that an extension of time for filing an individual income tax return is not an extension of time for paying the tax, as amended, upon second reading.

On motion of Senator Royall, the bill, as amended, is recommitted to the **Finance Committee.**

S.B. 1509, a bill to authorize water column leases for aquaculture within recognized shellfish franchises.

On motion of Senator Barker, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives, without objection, by special messenger.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Murphy for the **Higher Education Committee:**

S.B. 1570, a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina, with a favorable report.

On motion of Senator Murphy, the bill is re-referred to the **Appropriations Committee.**

H.B. 2185, a bill to increase the bond requirements for proprietary schools, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Royall offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution filed today, which motion prevails by a two-thirds majority vote.

By Senator Royall:

S.J.R. 1608, a joint resolution inviting the Governor to address a joint session of the Senate and House of Representatives on Thursday, June 21, 1990.

On motion of Senator Royall, the joint resolution remains before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Without objection, the Chair declares the Senate in recess until 3:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2270 (Committee Substitute), a bill to amend the legal description of the land being within the municipal boundaries of the City of Durham and to amend the metes and bounds description of a portion of the real property located within the County of Durham set forth in Section 2, Chapter 435, Session Laws of 1985.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2377 (Committee Substitute), a bill to require utilities to pay certain taxes in fiscal year 1989-90 that would otherwise be payable in fiscal year 1990-91 and to change the accounting method that applies to revenue distributed to local governments from certain taxes levied by the State, received without engrossment of House Amendment No. 1.
Referred to **Finance Committee.**

On motion of Senator Barnes, seconded by Senator Wilson, the Senate adjourns at 3:10 P.M. to meet tomorrow, June 20, at 1:00 P.M.

ONE HUNDRED FORTY-EIGHTH DAY

SENATE CHAMBER,
Wednesday, June 20, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Al Wright, Minister of Adamsville Baptist Church, Goldsboro.

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 19, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Walker, who has a doctor's appointment.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 2060 (Committee Substitute), an act to extend the season for hunting bear in certain areas of Gates County. (Ch. 807)

H.B. 2063, an act to amend the law protecting migratory wildfowl in Currituck Sound and its tributaries. (Ch. 808)

H.B. 2124, an act to make a technical correction in a 1987 act which regulated the shining of lights in deer areas in the Counties of Bertie and Madison. (Ch. 809)

H.B. 2131, an act to prohibit the discharge of a firearm from certain roads in Martin County and to regulate the discharge of a rifle of greater than .22 calibers in Martin County. (Ch. 810)

H.B. 2159, an act to add Mitchell County to the areas covered by the Statewide Fox Management Plan. (Ch. 811)

H.B. 2199, an act to prohibit the discharge of firearms on or across any highway in Watauga County. (Ch. 812)

S.J.R. 1608, a joint resolution inviting the Governor to address a joint session of the Senate and House of Representatives on Thursday, June 21, 1990. (Res. 44)

H.J.R. 2194, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly. (Res. 45)

H.J.R. 2386, a joint resolution honoring the life and memory of John Knox McNeill, Jr., former Mayor of the City of Raeford, and recognizing the celebration of National Turkey Lovers' Month in his honor. (Res. 46)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Local Government and Regional Affairs Committee**:

S.B. 1450, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Surry County, with a favorable report, as amended.

S.B. 1394, a bill to amend the legal description of the land being within the municipal boundaries of the City of Durham and to amend the metes and bounds description of a portion of the real property located within the County of Durham set forth in Section 2, Chapter 435, Session Laws of 1985, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Sands, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1452, a bill to authorize Orange County to require financial security for the repair and operation of community systems of sewage collection, treatment and disposal, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Sands, the Committee Substitute bill is placed on the Calendar for tomorrow, June 21, for further consideration.

By Senator Speed for the **Agriculture Committee**:

S.B. 1441, a bill to continue the Agricultural Finance Authority, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Appropriations Committee**.

S.B. 1380, a bill to provide for a strawberry assessment, with a favorable report, as amended.

On motion of Senator Speed, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Speed, the bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Rauch for the **Finance Committee**:

H.B. 2377 (Committee Substitute), a bill to require utilities to pay certain taxes in fiscal year 1989-90 that would otherwise be payable in fiscal year 1990-91 and to change the accounting method that applies to revenue distributed to local governments from certain taxes levied by the State, with a favorable report.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed at the end of today's Calendar for consideration, upon second reading.

S.B. 1354, a bill to regulate refund anticipation loans, with a favorable report.

S.B. 1533, a bill to authorize the Department of Justice to charge dormitory fees at the North Carolina Justice Academy, with a favorable report.

S.B. 1382, a bill to authorize Polk County to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report, as amended.

S.B. 145, a bill to require hotels and motels to post telephone surcharges, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for tomorrow, June 21, for further consideration.

S.B. 896, a bill to include fire sprinkler contractors under the licensure requirements of the State Board of Examiners of plumbing and heating contractors; and to change the composition of the Board, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for tomorrow, June 21, for further consideration.

S.B. 1455, a bill to provide that an extension of time for filing an individual income tax return is not an extension of time for paying the tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1455** (Committee Substitute), a bill to provide that an extension of time for filing an income or franchise tax return is not an extension of time for paying the tax, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 21, for further consideration.

S.B. 1523, a bill to provide that Winston-Salem may levy an occupancy tax in addition to the occupancy tax in Forsyth County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1523** (Committee Substitute), a bill to authorize Forsyth County to levy an additional three percent occupancy tax, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 21, for further consideration.

RE-REFERRAL

H.B. 2270 (Committee Substitute), a bill to amend the legal description of the land being within the municipal boundaries of the City of Durham and to amend the metes and bounds description of a portion of the real property located within the County of Durham set forth in Section 2, Chapter 435, Session Laws of 1985.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill is taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES (Continued)

By Senator Parnell for the **Insurance Committee**:

S.B. 1408, a bill to provide supplemental fees, licenses, and written examinations for agents who sell Medicare supplement or long-term care insurance policies; and to amend the Medicare supplement insurance law in accordance with recent congressional action, with an unfavorable report as to bill, but favorable to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1408** (Committee Substitute), a bill to provide for supplemental fees, licenses, written examinations, and continuing education for agents who sell Medicare supplement or long-term care insurance policies; to fund the Seniors' Health Insurance Information Program; and to amend the Medicare supplement insurance law in accordance with recent congressional action, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

S.B. 1412, a bill to provide for licensing fees and licensing and regulation of multiple employer welfare arrangements (MEWAs) on a receipt-supported basis and in accordance with the Employee Retirement Income Security Act as enacted and amended by Congress; and to change the registration fee and financial responsibility requirements for health plan administrators, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1412** (Committee Substitute), a bill to provide for registration of and reporting by multiple employer welfare arrangements and to amend the financial responsibility requirements for health plan administrators, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following resolution filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris:

S.J.R. 1607, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill which is read the first time and disposed of as follows:

H.B. 2254 (Committee Substitute), a bill to clarify the scope of the financial qualification and compliance history requirements applicable to applicants for water discharge and air emissions permits.

Referred to **Environment and Natural Resources Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of as follows:

S.B. 1494, a bill to allow the Town of Richfield to be included within a rural fire protection district, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 21, for further consideration, upon third reading.

S.B. 1398, a bill to codify the new method electing the Sampson County Board of Education established pursuant to the Federal Voting Rights Act.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1434, a bill to allow Duplin County to convey certain property in exchange for other property.

On motion of Senator Murphy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1449, a bill to change the filing period for the Leaksville Township Board of Education (Eden City School Administrative Unit).

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1496, a bill to extend time for the resolution of claims to land under navigable waters.

Without objection, on motion of Senator Tally, the bill is taken from the Calendar for today and placed on the Calendar for tomorrow, June 21, for further consideration.

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission and to provide for the study of the organization, functions, powers, and duties of the commission, upon third reading.

Without objection, on motion of Senator Tally, the bill is taken from the Calendar for today and is placed on the Calendar for tomorrow, June 21, for further consideration.

S.B. 1351, a bill to make technical changes relating to joint, trust, and personal agency accounts at financial institutions.

The bill passes its second reading (45-3).

Senator Staton objects to the third reading of the bill.

The bill remains on the Calendar for tomorrow, June 21, for further consideration, upon third reading.

S.B. 1389, a bill to provide that restitution may be ordered for the expense of the controlled substance analysis in a drug offense conviction.

The Chair rules the bill requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Ward, Wilson, and Winner—46.

Voting in the negative: Senators Ballance and Swain—2.

The bill is ordered placed on the Calendar for tomorrow, June 21, for further consideration, upon third reading.

H.B. 416 (Senate Committee Substitute), a bill to require that headlights be illuminated when windshield wipers are on to make that vehicle more discernible during periods of limited visibility and to require motor vehicles to have properly working speedometers.

Senator Winner offers Amendment No. 1 which is adopted (45-3).

Debate ensues and Senator Bryan is recognized for the purpose of directing a question to Senator Soles who rises and calls the previous question. The Chair rules the motion for the previous question out of order as Senator Bryan has not relinquished the floor.

Consequently, Senator Bryan offers Amendment No. 2 which fails of adoption (8-40).

The Senate Committee Substitute bill, as amended, passes its second reading (38-9).

Senator Ezzell objects to the third reading of the measure.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, June 21, for further consideration, upon third reading.

H.B. 658 (Senate Committee Substitute No. 2), a bill to clarify the authority of law enforcement officers to arrest without a warrant for certain misdemeanors.

On motion of Senator Soles, consideration of the Senate Committee Substitute bill No. 2 is postponed until Tuesday, June 26.

H.B. 2185, a bill to increase the bond requirements for proprietary schools.

On motion of Senator Murphy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

CONFERENCE REPORT

H.B. 250 (Committee Substitute)

Senator Johnson of Cabarrus for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 250** (Committee Substitute), a bill to clarify the definition of neglected child within the juvenile jurisdiction of the District Court, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for House Bill 250, A BILL TO BE ENTITLED AN ACT CLARIFY THE DEFINITION OF NEGLECTED CHILD WITHIN THE JUVENILE JURISDICTION OF THE DISTRICT COURT, wish to report as follows:

The Senate recedes from Senate Amendments No. 1 and No. 2 and the House and Senate agree to the following amendment:

on page 1 lines 10-14 by rewriting those lines to read:

"to his welfare, or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of abuse or neglect or lives in a home where another juvenile has been subjected to sexual abuse or severe physical abuse by an adult who regularly lives in the home.

"Sec. 2. This act shall become effective July 1, 1990."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 20th day of June, 1990.

Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*
S/James Johnson, Jr.	S/Anne C. Barnes
S/Helen Marvin	S/Paul Stam
S/Russell Walker	S/Sharon Thompson

On motion of Senator Johnson of Cabarrus, the Conference Report is adopted (44-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Lieutenant Governor relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in his absence.

CALENDAR (continued)

H.B. 2377 (Committee Substitute), a bill to require utilities to pay certain taxes in fiscal year 1989-90 that would otherwise be payable in fiscal year 1990-91 and to

change the accounting method that applies to revenue distributed to local governments from certain taxes levied by the State, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Basnight, Block, Bryan, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 21, for further consideration, upon third reading.

RE-REFFERAL

H.B. 676 (Committee Substitute), a bill to authorize inspections of ABC licensed premises by local law enforcement officers.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is taken from the **Ways and Means Committee** and is recommitted to the **Judiciary II Committee.**

On motion of Senator Royall, seconded by Senator Rauch, the Senate adjourns at 2:50 P.M. to meet tomorrow, June 21, at 1:00 P.M.

ONE HUNDRED FORTY-NINTH DAY

SENATE CHAMBER,
Thursday, June 21, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend David Clift, Saint James United Methodist Church, Tarboro, as follows:

"Dear God. You created this world and then ordained that men and women should have dominion over it in partnership with You. You willed that governments should lead the people. Before You stand those who have been elected to that sacred duty.

"Help them to be open to Your partnership in the affairs of men. And grant them the wisdom to know that if Your partnership is ignored they labor in vain.

"Grant them knowledge as they go about the duties that stretch out before them. May love of Country and State be a stronger motive than party or caucus.

"They are not perfect, Lord. So look upon them with forgiveness and understanding in those moments when they fall to the temptations of pride and self interest. But also grant them the exhilarating joy that comes from unselfish service to others. Grant that at the end of this day they might experience the satisfaction of a job well done.

"Dear God, their labor is not in vain. It can make a difference in the lives of others. It will make a difference. Heavenly Father, let the difference be for the good.

"Your eyes are upon this room and these officials. I pray that the decisions they make will bring a smile to Your Face not tears to Your Eyes.

"May they now know the mystery of Your Presence, Your Guidance, Your Compassion.

"And, Dear God, help them to understand that no greater title can be bestowed on them than the title, 'Servant of the People.' That is their greatest honor. May they, with Your help, live up to that high calling.

"With gratitude for this day and the opportunities it brings we make our prayer. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barker for the **Marine Resources and Wildlife Committee:**

CONSENT OF APPOINTMENT ATLANTIC STATES MARINE FISHERIES COMMISSION

In compliance with the provisions of G.S. 113-254, requiring that the Governor's appointee to the Atlantic States Marine Fisheries Commission be subject to confirmation by the Senate, Governor Martin has submitted for the confirmation the following name:

Kenney L. Daniels of Dare County

The Senate Committee on Marine Resources and Wildlife has considered the appointee and submits the following recommendations:

> That the appointment of Kenney L. Daniels to the Atlantic States Marine Fisheries Commission for the term beginning July 1, 1990, and expiring June 30, 1993, be confirmed.

On motion of Senator Barker, the report is placed before the Senate for immediate consideration. On his further motion the Senate consents to the appointment by the Governor of Kenney L. Daniels of Dare County to the Atlantic States Marine Fisheries Commission by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Odom, Plyler, Rauch, Richardson, Royall, Sands, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The Chair orders a special message sent to the House of Representatives notifying that Honorable Body of the action of the Senate.

S.B. 1424, a bill to provide for the registration of land in Warren County and to require any person hunting or possessing a firearm or bow and arrow that is readily available for use to secure an entry permit before entering or remaining on registered land or remaining on abutting portions of highway, with a favorable report.

On motion of Senator Barker, the bill is re-referred to the **Finance Committee.**

H.B. 2044 (Committee Substitute), a bill to make a technical correction in the description of Lake Adger in a 1989 Act concerning a "slow-no-wake" area, with a favorable report.

By Senator Swain for the **Judiciary I Committee**:

S.B. 1499, a bill to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program, with a favorable report.

S.B. 1506, a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases, with a favorable report.

S.B. 1508, a bill to provide that both felons and misdemeanants shall be eligible for intensive probation, with a favorable report.

S.B. 1500, a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Swain, the Committee Substitute bill is placed on the Calendar for the next legislative day for further consideration.

By Senator Winner for the **Rules and Operation of the Senate Committee**:

S.J.R. 1607, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science, with a favorable report.

On motion of Senator Harris, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (42-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

RE-REFERRAL

S.B. 1393, a bill to make releasing of motor vehicles unlawful.

Pursuant to Resolution 42 authorizing consideration, on motion of Senator Winner, the rules are suspended, and the bill is taken from the **Rules and Operation of the Senate Committee** and is re-referred to the **Judiciary II Committee**.

H.B. 2113, a bill to provide that Bladen County is authorized to construct gas lines.

On motion of Senator Guy, the rules are suspended, and the bill is taken from the **Public Utilities Committee** and is re-referred to the **Judiciary II Committee**.

H.B. 2186 (Committee Substitute), a bill to amend the laws relating to the regulation of proprietary schools.

On motion of Senator Conder, the rules are suspended, and the Committee Substitute bill is taken from the **Education Committee** and is re-referred to the **Higher Education Committee**.

REPORTS OF COMMITTEES (Continued)

By Senator Daniel for the **Manufacturing and Labor Committee**:

H.B. 736, a bill to increase the civil penalties for violations under the Occupational Safety and Health Act of North Carolina, with a favorable report, as amended.

On motion of Senator Daniel, the bill is placed on the Calendar for Tuesday, June 26.

By Senator Sands for the **Local Government and Regional Affairs Committee:**

S.B. 1497, a bill to amend the Charter of the City of Asheboro, with a favorable report.

S.B. 1512, a bill to allow the Town of St. Pauls to make the Town Administrator the head of all town departments, with a favorable report.

H.B. 755 (Committee Substitute), a bill concerning voluntary satellite annexations by the Town of Garner, with a favorable report.

On motion of Senator Sands, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 805, a bill to add age and handicap to the authorized purposes of the fair housing laws of the City of Raleigh, with a favorable report.

H.B. 807, a bill to amend the Raleigh Civil Service Act to make a technical correction and clarify that intervening parties may not be awarded attorney fees, with a favorable report.

S.B. 1522, a bill to authorize Watauga County to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report, as amended.

By Senator Block for the **Pensions and Retirement Committee:**

S.B. 1463, a bill to amend the law relating to the Firemen's Pension and Disability Fund in the City of High Point, with a favorable report.

S.B. 1421, a bill to amend the law relating to the Raleigh Firemen's Supplemental Retirement Fund, with a favorable report, as amended.

CALENDAR

Senator Rauch offers a motion that **H.B. 2377** (Committee Substitute), a bill to require utilities to pay certain taxes in fiscal year 1989-90 that would otherwise be payable in fiscal year 1990-91 and to change the accounting method that applies to revenue distributed to local governments from certain taxes levied by the State, be taken from its place on the Calendar today, upon third reading, and placed before the Senate as the first order of business under general orders, which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 250
(Committee Substitute)

House of Representatives
June 20, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Comm. Sub. for **HB No. 250**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF NEGLECTED CHILD WITHIN THE JUVENILE JURISDICTION OF THE DISTRICT COURT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of as follows:

H.B. 2074 (Committee Substitute), a bill to increase the maximum bond that may be required of fuel distributors and suppliers.
Referred to **Finance Committee.**

H.B. 2195, a bill to authorize the Town of Long Beach to compromise or forgive local occupancy tax penalties.
Referred to **Finance Committee.**

H.B. 2243 (Committee Substitute), a bill to increase the membership of the Elizabeth City-Pasquotank County Airport Authority.
Referred to **Local Government and Regional Affairs Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.J.R. 1608

House of Representatives
June 20, 1990

Mr. President:

In accordance with **SJR 1608**, "A JOINT RESOLUTION INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES ON THURSDAY, JUNE 21, 1990", it is ordered that message be sent your Honorable Body with the information that Representatives Wicker, Rhyne, Fitch and Esposito will serve as the escorts for the Governor on the part of the House of Representatives.

Respectfully,
S/Grace A. Collins
Principal Clerk

House of Representatives
June 21, 1990

Mr. President,

This is to inform you that due to illness, Representative Fitch will be unable to serve on the Escort Committee for Governor Martin's visit today and that Representative Michaux has been appointed to replace him.

Respectfully,
S/Grace A. Collins
Principal Clerk

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 2377 (Committee Substitute), a bill to require utilities to pay certain taxes in fiscal year 1989-90 that would otherwise be payable in fiscal year 1990-91 and to change the accounting method that applies to revenue distributed to local governments from certain taxes levied by the State, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 1494, a bill to allow the Town of Richfield to be included within a rural fire protection district, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1382, a bill to authorize Polk County to collect certain fees in the same manner as *ad valorem* taxes, upon second reading.

On motion of Senator Carpenter, Committee Amendment No. 1 is adopted, held to be material, constituting the first reading of the measure, and changing the title to read, **S.B. 1382**, a bill to authorize Polk and Transylvania Counties to collect certain fees in the same manner as *ad valorem* taxes.

The Chair orders the bill, as amended, placed on the Calendar for the next legislative day, upon second reading.

S.B. 1523 (Committee Substitute), a bill to authorize Forsyth County to levy an additional three percent occupancy tax, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for the next legislative day, for further consideration, upon third reading.

S.B. 1450, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Surry County.

On motion of Senator Sands, Committee Amendment No. 1 is adopted, changing the title to read, **S.B. 1450**, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, and Watauga Counties.

Senator Marvin offers Amendment No. 2 which is adopted (46-0), further changing the title, pursuant to Rule 55, to read **S.B. 1450**, a bill relating to the manner of

filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, Gaston and Lincoln Counties.

The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1452 (Committee Substitute), a bill to authorize Orange County to require financial security for the repair and operation of community systems of sewage collection, treatment and disposal.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 2220, a bill to establish fox seasons in Anson County.

On motion of Senator Barker, consideration of the bill is postponed until Tuesday, June 26.

S.B. 1389, a bill to provide that restitution may be ordered for the expense of the controlled substance analysis in a drug offense conviction, upon third reading.

Senator Royall offers Amendment No. 1 which is adopted (45-0).

The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: Senator Ballance—1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1455 (Committee Substitute), a bill to provide that an extension of time for filing an income or franchise tax return is not an extension of time for paying the tax, upon second reading.

The Committee Substitute bill, passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill is ordered placed on the Calendar for the next legislative day, for further consideration, upon third reading.

S.B. 145 (Committee Substitute), a bill to require hotels and motels to post telephone surcharges.

Senator Block offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (44-0).

Senator Block objects to the third reading of the bill and the measure is ordered placed on the Calendar for the next legislative day, for further consideration, upon third reading.

S.B. 896 (Committee Substitute), a bill to include fire sprinkler contractors under the licensure requirements of the State Board of Examiners of plumbing and heating contractors; and to change the composition of the Board.

The Committee Substitute bill passes its second (47-0) and third readings and on motion of Senator Daniel, is ordered sent to the House of Representatives by special messenger.

S.B. 1354, a bill to regulate refund anticipation loans.

Senator Staton offers Amendment No. 1 which is adopted (46-0).

The bill, as amended, passes its second reading (44-5).

Senator Rauch objects to the third reading of the bill.

The bill, as amended, is ordered placed on the Calendar for the next legislative day, for further consideration, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 2377 (Committee Substitute), an act to require utilities to pay certain taxes in fiscal year 1989-90 that would otherwise be payable in fiscal year 1990-91 and to change the accounting method that applies to revenue distributed to local governments from certain taxes levied by the State. (Ch. 813)

Pursuant to **S.J.R. 1608**, the Chair appoints Senator Royall, Senator Kincaid, Senator Cochrane, and Senator Richardson to escort the Honorable James G. Martin to the Joint Session and orders a message sent to the House of Representatives notifying that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 1608

House of Representatives
June 21, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **SJR 1608** "A JOINT RESOLUTION INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES ON THURSDAY, JUNE 21, 1990", the House stands ready to receive the Senate in Joint Session at the hour appointed.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Barnes offers a motion, in accordance with Res. 44, the Senate stands in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session for the purpose of receiving a message from the Governor of the State of North Carolina; and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for the consideration of further business, seconded by Senator Harris, which motion prevails.

The Senate stands in recess at 2:06 P.M. and preceded by its officers repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing. Speaker Mavretic presents the gavel to Lieutenant Governor James C. Gardner, President of the Senate. The Joint Session is called to order by the President of the Senate.

The President of the Senate recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence at the door of His Excellency, Governor James G. Martin, who awaits the pleasure of the General Assembly sitting in Joint Session. Senator Royall and the Committees appointed by the President of the Senate and Speaker of the House of Representatives are recognized and directed to escort the Governor to the Well of the House whereupon he is presented to the President of the Senate who presents His Excellency, Governor James G. Martin, to the General Assembly.

Governor Martin delivers his message regarding the condition of the budget of the State of North Carolina along with his recommendations. (See Appendix for the text of the message.)

Upon the conclusion of his remarks, Senator Royall and the Committees escort Governor Martin from the Chamber and Senator Barnes offers a motion to the end the Joint Session be dissolved and that the Senate return to its Chambers for the consideration of further business, which motion prevails. The Joint Session is dissolved.

The Senate resumes consideration of its regular business at 3:05 P.M.

CALENDAR (Continued)

S.B. 1496, a bill to extend time for the resolution of claims to land under navigable waters.

The bill passes its second (33-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1533, a bill to authorize the Department of Justice to charge dormitory fees at the North Carolina Justice Academy.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1351, a bill to make technical changes relating to joint, trust, and personal agency accounts at financial institutions, upon third reading.

The bill passes its third reading (40-0) and is ordered sent to the House of Representatives.

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission and to provide for the study of the organization, functions, powers, and duties of the commission, upon third reading.

On motion of Senator Barker, consideration of the bill is postponed until Monday, June 25.

H.B. 416 (Senate Committee Substitute), a bill to require that headlights be illuminated when windshield wipers are on to make that vehicle more discernible during periods of limited visibility and to require motor vehicles to have properly working speedometers, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (37-3).

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Conder for the **Education Committee**:

S.B. 1520, a bill regarding when the Nash County Board of Education can pay its employees, with a favorable report.

H.B. 2064, a bill to add two members to the Board of Education of Dare County and to provide for the election of the members of said Board, with a favorable report.

H.B. 2111, a bill to change the pay date for the Haywood County schools, with a favorable report.

On motion of Senator Barnes, seconded by Senator Richardson, the Senate adjourns at 3:32 P.M. to meet Monday, June 25, at 8:00 P.M.

ONE HUNDRED FIFTIETH DAY

SENATE CHAMBER,
Monday, June 25, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

The Honorable Thomas F. Taft, Senator from Pitt County, is recognized to offer the prayer and places before the Senate a poem written by Edgar A. Guest, as follows:

SERMONS WE SEE

I'd rather see a sermon than hear one any day,
I'd rather one should walk with me than merely show the way.
The eye's a better pupil and more willing than the ear;
Fine counsel is confusing, but example's always clear;
And the best of all the preachers are the men who live their creeds,
For to see the good in action is what everybody needs.
I can soon learn how to do it if you'll let me see it done.
I can watch your hands in action, but your tongue too fast may run.
And the lectures you deliver may be very wise and true;
But I'd rather get my lesson by observing what you do.
For I may misunderstand you and the high advice you give,
But there's no misunderstanding how you act and how you live.

Senator Barnes, President *Pro Tempore*, announces that the Journal of Thursday, June 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senator Richardson, Senator Ballance, and Senator Rauch due to personal business, and to Senator Murphy due to a death in the family.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Local Government and Regional Affairs Committee:**

S.B. 1459, a bill to exempt Duplin County from certain building code requirements for construction of an aircraft hangar, with a favorable report, as amended.

S.B. 1521, a bill to provide that the Town of Bailey need not mail zoning notices for the total zoning or rezoning of the Town and its extraterritorial jurisdiction, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1521** (Committee Substitute), a bill to exempt the Town of Bailey from certain zoning notice requirements, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 26, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of as follows:

S.B. 1523 (Committee Substitute), a bill to authorize Forsyth County to levy an additional three percent occupancy tax, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Odom, Parnell, Plyler, Royall, Sands, Shaw, Sherron, Simpson, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—35.

Voting in the negative: None.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1382, a bill to authorize Polk and Transylvania Counties to collect certain fees in the same manner as *ad valorem* taxes, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—40.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 26, for further consideration, upon third reading.

S.B. 1497, a bill to amend the Charter of the City of Asheboro, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 26, for further consideration, upon third reading.

S.B. 1522, a bill to authorize Watauga County to collect certain fees in the same manner as *ad valorem* taxes, upon second reading.

On motion of Senator Sands, Committee Amendment No. 1 is adopted, held to be material, constituting the first reading of the measure, and changing the title to read, **S.B. 1522**, a bill to authorize Alleghany and Watauga Counties to collect certain fees in the same manner as *ad valorem* taxes, and the bill, as amended, is ordered placed on the Calendar for tomorrow, June 26, for further consideration, upon second reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1361, an act to make technical changes to the Revenue Laws. (Ch. 814)

H.B. 250 (Committee Substitute), an act to clarify the definition of neglected child within the juvenile jurisdiction of the District Court. (Ch. 815)

CALENDAR (Continued)

S.B. 1421, a bill to amend the law relating to the Raleigh Firemen's Supplemental Retirement Fund.

On motion of Senator Block, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1463, a bill to amend the law relating to the Firemen's Pension and Disability Fund in the City of High Point.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1512, a bill to allow the Town of St. Pauls to make the Town Administrator the head of all town departments.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1520, a bill regarding when the Nash County Board of Education can pay its employees.

On motion of Senator Sands, consideration of the bill is postponed until tomorrow, June 26.

H.B. 805, a bill to add age and handicap to the authorized purposes of the fair housing laws of the City of Raleigh.

The bill passes its second and third readings and is ordered enrolled.

H.B. 807, a bill to amend the Raleigh Civil Service Act to make a technical correction and clarify that intervening parties may not be awarded attorney fees.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2044 (Committee Substitute), a bill to make a technical correction in the description of Lake Adger in a 1989 Act concerning a "slow-no-wake" area.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 2064, a bill to add two members to the Board of Education of Dare County and to provide for the election of the members of said Board.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2111, a bill to change the pay date for the Haywood County schools.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1455 (Committee Substitute), a bill to provide that an extension of time for filing an income or franchise tax return is not an extension of time for paying the tax, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Odom, Parnell, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—40.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1499, a bill to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program.

The bill passes its second reading (42-2).

Senator Bryan objects to the third reading of the bill.

The bill is ordered placed on the Calendar for tomorrow, June 26, for further consideration, upon third reading.

S.B. 1500 (Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy.

Senator Odom offers Amendment No. 1, proposing to change the title of the Committee Substitute bill, which upon the point of order raised he subsequently withdraws, without objection, to resubmit to **S.B. 1508**, a bill to provide that both felons and misdemeanants shall be eligible for intensive probation.

Without objection, on motion of Senator Sands, the Committee Substitute bill is temporarily displaced.

S.B. 1506, a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases.

The bill passes its second reading (32-12).

Senator Wilson objects to the third reading of the bill.

The bill is ordered placed on the Calendar for tomorrow, June 26, for further consideration, upon third reading.

S.B. 1508, a bill to provide that both felons and misdemeanants shall be eligible for intensive probation.

Senator Odom offers Amendment No. 1 which is adopted (41-0), changing the title to read, **S.B. 1508**, a bill to provide that both felons and misdemeanants shall be eligible for intensive probation and parole.

The bill, as amended, passes its second (42-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1500 (Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy, temporarily displaced earlier.

The Committee Substitute bill passes its second reading (38-4).

Senator Harris objects to the third reading of the bill.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 26, for further consideration, upon third reading.

S.B. 145 (Committee Substitute), a bill to require hotels and motels to post telephone surcharges, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (41-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 1354, a bill to regulate refund anticipation loans, as amended, upon third reading.

The bill, as amended, passes its third reading (41-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission and to provide for the study of the organization, functions, powers, and duties of the commission, upon third reading.

Senator Barker offers Amendment No. 1 which is adopted (41-0), changing the title to read, **S.B. 1406**, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission, to provide for the study of the organization, functions, powers, and duties of the Wastewater Treatment Plant Operators Certification Commission by the Environmental Review Commission, and to provide for a study by the Environmental Review Commission of the feasibility of levying a tax on the emission or air contaminants and on the discharge of waste from point sources to the surface waters of the State.

The bill, as amended, passes its third reading (42-0) and is ordered engrossed and sent to the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of as follows:

H.B. 2087, a bill to allow the Town of Sunset Beach to make special assessments for undergrounding of cable television lines.

Referred to **Finance Committee**.

H.B. 2151, a bill to clarify that victims are eligible for compensation from the Victims Compensation Fund as required to receive federal funds.

Pursuant to Resolution 34, the bill is ordered held as received in the Office of the Principal Clerk.

H.B. 2193, a bill to allow the Harnett County Board of Commissioners, after public hearing, to extend the boundaries of any voted fire protection district out to five road miles.

Referred to **Local Government and Regional Affairs Committee**.

H.B. 2261, a bill to allow the Charlotte City Manager to settle claims against the City which do not exceed thirty thousand dollars without giving prior notice to the Charlotte City Council.

Referred to **Local Government and Regional Affairs Committee**.

H.B. 2091, a bill to provide for an age seventy sportsman combination hunting-fishing license.
Referred to **Marine Resources and Wildlife Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2092, a bill to provide for complimentary fishing licenses for residents of rest homes.
Referred to **Marine Resources and Wildlife Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2221 (Committee Substitute), a bill to revise the electoral system for the Clinton City School Administrative Unit to reflect a consent judgment in the federal case of Hall v. Kennedy.
Referred to **Election Laws Committee.**

H.B. 2222 (Committee Substitute), a bill to revise the electoral system for the City of Clinton to reflect a consent judgment in the federal case of Hall v. Kennedy.
Referred to **Election Laws Committee.**

H.B. 2227 (Committee Substitute), a bill to provide for acquisition of right-of-way by the Department of Transportation for location and relocation of utility infrastructure.
Referred to **Transportation Committee.**

H.B. 2041, a bill to amend the law regarding the Cary Local Supplemental Retirement Benefit Fund.
Referred to **Pensions and Retirement Committee.**

H.B. 2045, a bill to allow the Town of Wake Forest to make special assessments without petition for the placement of utility lines underground.
Referred to **Finance Committee.**

H.B. 2189, a bill to increase the amount that can be received in benefits from the Lexington Firemen's Supplemental Retirement Fund.
Referred to **Pensions and Retirement Committee.**

H.B. 2249 (Committee Substitute), a bill to consolidate and clarify the civil penalty powers of the Environmental Management Commission and to establish procedures for the remission of civil penalty assessments.
Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Finance Committee.**

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate and referred to committee, as follows: (See Appendix)

Executive Order Number 118, Extending Executive Order Number 79, North Carolina Small Business Council.
Referred to **Small Business Committee.**

Executive Order Number 119, Establishing the North Carolina Quality Leadership Awards Council.
Referred to **State Government Committee.**

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee:**

S.B. 1591, a bill to appropriate funds to the Administrative Office of the Courts, to extend the terms of certain special Superior Court Judges, and to clarify provisions regarding the appointment of a guardian *ad litem*, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1591** (Committee Substitute), a bill to clarify provisions regarding the appointment of a guardian *ad litem*, is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Judiciary III Committee.**

The President recognizes the following pages serving in the Senate this week:

Jennifer Lisa Almekinder, Raleigh; Cynthia G. Arnold, High Point; Russell David Babb, Wilson; Josie Bowen, Raleigh; Suzanne M. Cukla, Franklin; Laurie Dardanell, Raleigh; Lea Dunn, Raleigh; Susan R. Grice, Wilmington; Jan Heath, Fayetteville; April L. Jackson, Clinton; Jeff Marvin, Winston-Salem; Ann Michelle McEntire, Graham; Corrie Elizabeth Mimms, Raleigh; Erin Mullen, Durham; Amy R. Nisbet, Raleigh; Kelly Malinda Pope, Angier; Kasey B. Redding, Troy; James B. Rorrer, Jr., Eden; Anna Sands, Reidsville; Alexander P. Sands IV, Reidsville; Tabitha S. Strong, Goldsboro; and Amy Jo Vickery, Indian Trail.

On motion of Senator Barnes, seconded by Senator Smith, the Senate adjourns at 9:15 P.M. to meet tomorrow, June 26, at 1:00 P.M.

ONE HUNDRED FIFTY-FIRST DAY

SENATE CHAMBER,
Tuesday, June 26, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, help us to listen with new ears as we hear again these words spoken by You,

> 'Trust in the Lord with all your heart; and lean not on your own understanding—in all your ways, acknowledge Him, and He will make your paths straight.'

"We admit today, Father, that there are segments of our hearts that we hold onto more tightly than others where we find it difficult to trust You or anyone else. We also admit that there seems to be a relationship between these areas of our hearts, and the detours in our lives when we follow a path You would not choose for us.

"As we go about the tasks before us, Father, help us to open our hearts to You in such a way that the direction of our lives improves.

"Thank You that while Your path may not always be the easiest to follow, it is always the best. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Ballance, who is attending a joint session of Congress being addressed by Nelson Mandela; to Senator Bryan, who has personal business; to Senator Plyler, who is out of town; and to Senator Murphy and Senator Daughtry.

Senator Rauch requests to be recorded present for a portion of today's session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 805, an act to add age and handicap to the authorized purposes of the fair housing laws of the City of Raleigh. (Ch. 816)

H.B. 807, an act to amend the Raleigh Civil Service Act to make a technical correction and clarify that intervening parties may not be awarded attorney fees. (Ch. 817)

H.B. 2044 (Committee Substitute), an act to make a technical correction in the description of Lake Adger in a 1989 Act concerning a "slow-no-wake" area. (Ch. 818)

H.B. 2064, an act to add two members to the Board of Education of Dare County and to provide for the election of the members of said Board. (Ch. 819)

H.B. 2111, an act to change the pay date for the Haywood County schools. (Ch. 820)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following Senate simple resolution filed for introduction is presented to the Senate, read, and disposed of as follows:

By Senator Ballance:
S.R. 1609, a Senate simple resolution honoring the men and women who died fighting for freedom in South Africa and to welcome Nelson Mandela, a living symbol of freedom, on his visit to the United States.
Referred to **Rules and Operation of the Senate Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2084, a bill to authorize the Village of Bald Head Island to contract for water supply and pressure for fire protection purposes without complying with the bid statutes and to impose special assessments.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to **Finance Committee**.

H.B. 2184, a bill to provide for the registration of land in Warren County and to require any person hunting or possessing a firearm or bow and arrow that is readily available for use to secure an entry permit before entering or remaining on registered land or remaining on abutting portions of highway.
Referred to **Finance Committee**.

H.B. 2202 (Committee Substitute), a bill to provide that Onslow County may prohibit issuance of a building permit to a delinquent taxpayer.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2260, a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources.
Referred to **Environment and Natural Resources Committee.**

H.B. 2262, a bill to allow the Town of Richfield to be included within a rural fire protection district.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2268, a bill to remove a described area from the corporate limits of the Town of Elm City.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2338, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill.
Referred to **Appropriations Committee.**

H.B. 2356, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws.
Referred to **Appropriations Committee.**

S.B. 647 (Committee Substitute No. 2), a bill to provide a means for financing all or part of a convention center in Charlotte, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 27.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1382, a bill to authorize Polk and Transylvania Counties to collect certain fees in the same manner as *ad valorem* taxes, as amended, upon third reading.
Senator Marvin offers Amendment No. 2 which is adopted (30-0), held to be material, constituting the first reading of the measure, and pursuant to Rule 55 the title changes to read, **S.B. 1382**, a bill to authorize Cleveland, Polk and Transylvania Counties to collect certain fees in the same manner as *ad valorem* taxes.
The bill, as amended, is ordered placed on the Calendar for tomorrow, June 27, for further consideration, upon second reading.

S.B. 1497, a bill to amend the Charter of the City of Asheboro, upon third reading.
The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:
Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Odom, Parnell, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—41.
Voting in the negative: None.
The bill is ordered sent to the House of Representatives.

S.B. 1522, a bill to authorize Alleghany and Watauga Counties to collect certain fees in the same manner as *ad valorem* taxes, as amended, upon second reading.
Senator Daniel offers Amendment No. 2 which is adopted (39-0), held to be material, constituting the first reading of the measure, and pursuant to Rule 55 changes the

title to read, **S.B. 1522**, a bill to authorize Alleghany, Caswell, Richmond, and Watauga Counties to collect certain fees in the same manner as *ad valorem* taxes.

The bill, as amended, remains on the Calendar for tomorrow, June 27, for further consideration, upon second reading.

S.B. 1459, a bill to exempt Duplin County from certain building code requirements for construction of an aircraft hangar.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

S.B. 1437, a bill to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund, with a favorable report, as amended.

On motion of Senator Parnell, the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Parnell, the bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

CALENDAR (Continued)

S.B. 1520, a bill regarding when the Nash County Board of Education can pay its employees.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1521 (Committee Substitute), a bill to exempt the Town of Bailey from certain zoning notice requirements.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 736, a bill to increase the civil penalties for violations under the Occupational Safety and Health Act of North Carolina.

Without objection, on motion of Senator Daniel, the bill is taken up out of its regular order of business.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow, June 27.

H.B. 2220, a bill to establish fox seasons in Anson County.

Without objection, on motion of Senator Barker, the bill is temporarily displaced.

H.B. 658 (Senate Committee Substitute No. 2), a bill to clarify the authority of law enforcement officers to arrest without a warrant for certain misdemeanors.

On motion of Senator Soles the Senate Committee Substitute bill No. 2 is re-referred to **Appropriations Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Local Government and Regional Affairs Committee:**

S.B. 1478, a bill to incorporate the Town of Green Level in Alamance County, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

H.B. 2133, a bill to transfer a tract of land from the corporate limits of the City of Burlington to the corporate limits of the Town of Elon College, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

RE-REFERRAL

H.B. 2079, a bill to increase the maximum vehicle tax that can be levied in the Town of Ahoskie from five dollars to ten dollars.

On motion of Senator Sands, the rules are suspended, and the bill is taken from the **Local Government and Regional Affairs Committee** and is re-referred to the **Finance Committee.**

CALENDAR (Continued)

S.B. 1499, a bill to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program, upon third reading.

The bill passes its third reading (41-0) and is ordered sent to the House of Representatives.

S.B. 1500 (Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy, upon third reading.

The Committee Substitute bill passes its third reading (39-1) and is ordered sent to the House of Representatives.

S.B. 1506, a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases, upon third reading.

Senator Parnell offers Amendment No. 1 which is adopted (26-0).

The bill, as amended, passes its third reading (36-8) and is ordered engrossed and sent to the House of Representatives.

H.B. 2220, a bill to establish fox seasons in Anson County, temporarily displaced earlier.

Senator Barker offers Amendment No. 1 which is adopted (39-2) changing the title, upon concurrence, to read, **H.B. 2220**, a bill to establish fox seasons in Anson and Stanly Counties.

The bill, as amended, passes its second (39-2) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary III Committee:**

S.B. 1591 (Committee Substitute), a bill to clarify provisions regarding the appointment of a guardian *ad litem*, with a favorable report.

H.B. 2050 (Committee Substitute), a bill to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by granting certain regulatory authority to the North Carolina Real Estate Commission Real Estate Appraisal Committee, to redesignate it a board, and to add a new classification of voluntary appraiser certification, with a favorable report.

PRESENTATION HONORING SENATOR ROBERT S. SWAIN

The Chair recognizes Senator Barnes, who requests permission to escort the Honorable Robert S. Swain, Senator from Buncombe County, to the Well of the Senate for a presentation. The Senate receives Senator Swain with a prolonged standing ovation.

The Senate presents Senator Swain with a water color rendering by North Carolina artist Gerald Marion, depicting Senator Swain when he was a First Lieutenant in the United States Army Air Corps during World War II bearing the following engraved Plaque:

PRESENTED TO
ROBERT S. SWAIN
(Formerly 1st Lieutenant Army Air Corps)
By the North Carolina State Senate
FOR OUTSTANDING SERVICE
TO THE PEOPLE OF NORTH CAROLINA
June 1990

In further recognition of the esteem in which the Senate holds Senator Swain, the Senate also presents him with a golf bag.

Senator Swain responds expressing his sincere and deep appreciation for the honors bestowed upon him. (See Appendix)

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 2:09 P.M. to meet tomorrow, June 27, at 10:30 A.M.

ONE HUNDRED FIFTY-SECOND DAY

SENATE CHAMBER,
Wednesday, June 27, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Bill Sheffield, Minister of Mount Zion Baptist Church, Louisburg, as follows:

"Lord, as these men and women gather together to conduct the affairs of this State, I ask that You would forgive us of our sin and strengthen us in our weakness. I humbly ask that Your Divine Presence be felt in the course of these proceedings, that You

may impart knowledge to these individuals who have sacrificed much that they may serve the many. Father, I also pray that You would give them wisdom in the use of their knowledge as they make the often complicated and difficult decisions that they encounter in the course of performing their jobs as leaders of the State. Father, I pray for them and not against them, because You are for us and if You are for us, then who can be aginst us? Let us give You the praise You so richly deserve in these Chambers and without, and I lift up this prayer in the Name of the God of Abraham, Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants courtesies of the Gallery to Jim Melton, Senate Sergeant-at-Arms for the State of South Carolina.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

S.J.R. 1607, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science. (Res. 47)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Local Government and Regional Affairs Committee:**

S.B. 1453, a bill to clarify the enabling legislation for subdivision ordinance provisions relating to recreation areas in Orange County, with a favorable report.

S.B. 1461, a bill relating to zoning procedures of the City of High Point, with a favorable report.

S.B. 1462, a bill relating to assessments for underground electrical wiring in the City of High Point, with a favorable report.

S.B. 1477, a bill to allow the County of Pitt to acquire land for economic development and dispose of same without public sale, with a favorable report.

S.B. 1485, a bill to provide for appointment of alternate members of the Wilmington Transit Authority, with a favorable report.

S.B. 1488, a bill to limit the terms of office of members of the Wilmington Housing Authority, with a favorable report.

S.B. 1489, a bill to provide that purchasing procedures and contracts for improvements for the Town of Topsail Beach shall be governed by general law, with a favorable report.

H.B. 2054, a bill to allow the Mayor of the City of Whiteville to vote on all issues coming before the Council, with a favorable report.

H.B. 2059, a bill to remove from the corporate limits of the Town of Black Mountain an area included in error in an annexation ordinance effective February 28, 1989, with a favorable report.

H.B. 2061, a bill enabling the Town of Edenton to pass ordinances requiring that certain residential dwelling units have automatic smoke detectors, with a favorable report.

H.B. 2075, a bill to authorize the Town of Cary to levy an occupancy tax, with a favorable report.

On motion of Sentor Sands, the bill is re-referred to the **Finance Committee**.

H.B. 2134, a bill to authorize the City of Burlington to convey a tract of land to Habitat for Humanity, at private sale, with a favorable report.

H.B. 2135, a bill to authorize the City of Burlington to convey a tract of land to Ralph Scott Group Homes, Inc., at private sale, with a favorable report.

H.B. 2161 (Committee Substitute), a bill to authorize the City of Oxford, North Carolina, to dispose of property by private sale in connection with lease-purchase arrangements for converting the D.N. Hix School complex into a city hall and fire house, and to allow McDowell County to reconvey property it obtained without monetary consideration because such property is not needed for the purpose it was acquired, with a favorable report.

H.B. 2208, a bill to provide that it is unlawful to request ambulance service in Cleveland County when that service is not needed, with a favorable report.

H.B. 2170, a bill to revise and consolidate the Charter of the Town of Chadbourn, with a favorable report, as amended.

S.B. 1392, a bill to modify the corporate limits of the Town of Pineville and the City of Charlotte, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Subsitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Sands, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1487, a bill relating to Pender County—2, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill which changes the title to read, **S.B. 1487** (Committee Substitute), a bill to provide a third option for distribution of local sales tax revenue within Pender County, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 28, for further consideration.

H.B. 2040, a bill to remove the percentage area limitation on voluntary satellite annexations by the City of Statesville, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill which changes the title to read, **H.B. 2040** (Senate Committee Substitute), a bill to remove the percentage area limitation on voluntary satellite annexations by the City of Statesville, and to modify that limitation as to the Town of Wake Forest, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 28, for further consideration.

S.B. 1481, a bill to authorize Pender County to collect certain fees in the same manner as *ad valorem* taxes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill which changes the title to read, **S.B. 1481** (Committee Substitute), a bill to authorize Pender County and Surf City to collect certain fees in the same manner as *ad valorem* taxes, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

S.B. 1482, a bill relating to Pender County, with an unfavorable report as to bill, but favorable report as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill which changes the title to read, **S.B. 1482** (Committee Substitute), a bill to authorize Pender County to hold a referendum concerning tax increases for county service districts established under G.S. 153A-301 *et seq.*, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

By Senator Johnson of Wake for the **Judiciary III Committee**:

H.B. 606 (Committee Substitute), a bill to update the procedure for appellate review of decisions of the Board of Medical Examiners, and to make certain powers of attorney durable as defined in G.S. 32A-8, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended, and the Senate Committee Substitute bill which changes the title to read, **H.B. 606** (Senate Committee Substitute), a bill to make certain powers of attorney durable as defined in G.S. 32A-8, is placed before the Senate for immediate consideration.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 28, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Basnight:

S.J.R. 1610, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to alter the manner for selecting drainage commissioners and to provide notice prior to assessment.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Royall:

S.J.R. 1611, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require resident inspectors at commercial hazardous waste facilities.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Harris:

S.B. 1612, a bill to provide for the licensure of crematory operators and to establish the Crematory Authority within the Board of Mortuary Science.

Pursuant to Resolution 34, the bill is ordered held as filed in the Office of the Principal Clerk.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills which are read the first time and disposed of as follows:

H.B. 1802 (Committee Substitute), a bill to provide that the probationary time between an interlocutory decree and final adoption order may be the same for private adoptions as those arranged by social services or a licensed child-placing agency.

Pursuant to Resolution 34, the Committee Substitute bill is ordered held as received in the Office of the Principal Clerk.

H.B. 2282 (Committee Substitute), a bill to encourage recycling of food processing by-products and to require reports from the Department of Environment, Health, and Natural Resources concerning the land application of food processing by-products.

Referred to **Agriculture Committee**.

RE-REFERRALS

S.B. 1399, a bill to establish a season for taking foxes by trapping in Edgecombe County.

On motion of Senator Sands, the rules are suspended, and the bill is taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Marine Resources and Wildlife Committee**.

S.B. 1400, a bill to prohibit the hunting or transportation of deer from or by boat or floating device on a portion of the Tar River in Edgecombe County.

On motion of Senator Sands, the rules are suspended, and the bill is taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Marine Resources and Wildlife Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1382, a bill to authorize Cleveland, Polk and Transylvania Counties to collect certain fees in the same manner as *ad valorem* taxes, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 28, for further consideration, upon third reading.

S.B. 1522, a bill to authorize Alleghany, Caswell, Richmond, and Watauga Counties to collect certain fees in the same manner as *ad valorem* taxes, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—48.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 28, for further consideration, upon third reading.

S.B. 647 (Committee Substitute No. 2), a bill to provide a means for financing all or part of a convention center in Charlotte, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1, (46-1) and the Committee Substitute bill No. 2 is ordered enrolled.

S.B. 1591 (Committee Substitute), a bill to clarify provisions regarding the appointment of a guardian *ad litem*.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 736, a bill to increase the civil penalties for violations under the Occupational Safety and Health Act of North Carolina.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 2050 (Committee Substitute), a bill to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by granting certain regulatory authority to the North Carolina Real Estate Commission Real Estate Appraisal Committee, to redesignate it a board, and to add a new classification of voluntary appraiser certification.

The Committee Substitute bill passes its second reading (43-4).

Senator Goldston objects to the third reading of the bill.

The Committee Substitute bill remains on the Calendar for tomorrow, June 28, for further consideration, upon third reading.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

H.B. 688, a bill to increase the per diem allowance for members of the Board of Pharmacy, with favorable report.

By Senator Rauch for the **Finance Committee**:

S.B. 1384, a bill to redefine the corporate boundaries of the Town of Stokesdale, with a favorable report.

S.B. 1414, a bill to authorize Burke County to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report.

S.B. 1419, a bill to revise and consolidate the Charter of the City of Reidsville, with a favorable report.

H.B. 2133, a bill to transfer a tract of land from the corporate limits of the City of Burlington to the corporate limits of the Town of Elon College, with a favorable report.

H.B. 2270 (Committee Substitute), a bill to amend the legal description of the land being within the municipal boundaries of the City of Durham and to amend the metes and bounds description of a portion of the real property located within the County of Durham set forth in Section 2, Chapter 435, Session Laws of 1985, with a favorable report.

S.B. 1478, a bill to incorporate the Town of Green Level in Alamance County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill which changes the title to read, **S.B. 1478** (Committee Substitute), a bill to incorporate the Town of Greenlevel in Alamance County, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 28, for further consideration.

On motion of Senator Barnes, seconded by Senator Daughtry, the Senate adjourns at 11:11 A.M. in honor of the Honorable Robert S. Swain, Senator from Buncombe County, to meet tomorrow, June 28, at 1:00 P.M.

ONE HUNDRED FIFTY-THIRD DAY

SENATE CHAMBER,
Thursday, June 28, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Ralph Painter, Minister of the First Assembly of God, Goldsboro.

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Guy, who has a dental appointment.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 647 (Committee Substitute No. 2), an act to provide a means for financing all or part of a convention center in Charlotte. (Ch. 821)

H.B. 416 (Senate Committee Substitute), an act to require that headlights be illuminated when windshield wipers are on to make that vehicle more discernible during periods of limited visibility and to require motor vehicles to have properly working speedometers. (Ch. 822)

H.B. 992, an act to clarify the mental health law's references to persons dangerous to themselves and others and to add a definition of severe and persistent mental illness. (Ch. 823)

H.B. 2185, an act to increase the bond requirements for proprietary schools. (Ch. 824)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following resolution filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

S.J.R. 1613, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to authorize ABC election in certain cities located in two counties.

Without objection, on motion of Senator Johnson of Cabarrus, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (34-1) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of as follows:

S.B. 58, a bill that designates the solid waste branch in the Department of Human Resources to serve as the central clearinghouse for information regarding solid waste management, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 58** (House Committee Substitute), a bill to provide for the creation of Regional Solid Waste Management Authorities.

Referred to **Environment and Natural Resources Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 1401, a bill to authorize Duplin County to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report.

S.B. 1446, a bill to revise and consolidate the Charter of the City of Newton, with a favorable report.

S.B. 1383, a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity, with a favorable report, as amended.

S.B. 1417, a bill to provide that nonprofit youth athletic league concession stands shall be exempt from sales tax, with a favorable report, as amended.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

S.B. 1588, a bill to simplify the privilege license tax on restaurants, with a favorable report, as amended.

H.B. 2116, a bill to provide that the additional tax on motorcycles is to be used for the motorcycle safety instruction program, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended, and the bill is placed at the end of today's Calendar.

S.B. 937, a bill to regulate the practice of electrolysis, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 937** (Committee Substitute), a bill to require people to be licensed to practice electrology, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 2, for further consideration.

S.B. 1360, a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, and to make technical changes in the laws affected by the Highway Trust Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1360** (Committee Substitute), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, to increase overweight permit fees and other fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 2, for further consideration.

S.B. 1467, a bill to increase the fees that may be charged by the State Board of Barber Examiners, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Monday, July 2, for further consideration.

S.B. 1493, a bill to impose a blood-alcohol content analysis fee to be paid by certain persons convicted of impaired driving, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Monday, July 2, for further consideration.

S.B. 1587, a bill to improve the procedure for collecting debts owed the State by setting off the debts against tax refunds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Monday, July 2, for further consideration.

By Senator Soles for the **Judiciary II Committee**:

H.B. 2113, a bill to provide that Bladen County is authorized to construct gas lines, with a favorable report.

By Senator Winner for the **Rules and Operation of the Senate Committee**:

S.J.R. 1604, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide the rules and procedures for municipal redistricting in 1991, with a favorable report.

H.J.R. 2096, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to limit to four years service of the Speaker and Speaker *Pro Tempore* of the House of Representatives, with a favorable report.

H.J.R. 2240, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to extend to two years the time period for which victims ten years old or younger may receive compensation for economic loss from the Victims Compensation Fund, with a favorable report.

H.J.R. 2303, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to expand the egg promotion tax to include processed eggs, with a favorable report.

H.J.R. 2361, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to restrict parole, good time, and gain time eligibility for offenders who commit first and second degree murder, and to provide notification of parole hearings to the district attorney, the victim's family, and the arresting law enforcement agency, with a favorable report.

H.J.R. 2384, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to consolidate, clarify, and improve the Statutes relating to railroad/motor vehicle safety, with a favorable report.

H.J.R. 2385, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science, with a favorable report.

H.J.R. 2387, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to repeal the sunset on the limitation on insurance required on waterslides, with a favorable report.

H.J.R. 2388, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to delay the effective date of presumptive child support guidelines prescribed by the Conference of Chief District Court Judges, with a favorable report.

By Senator Odom for the **State Personnel Committee**:

S.B. 1345, a bill to clarify the current proviso regarding a limitation on the number of State employees eligible to receive performance pay increases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1345** (Committee Substitute), a bill to make

various changes to the State Personnel Act, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 2, for further consideration.

S.B. 1402, a bill to establish a performance management and pay oversight advisory committee within each department, agency, and institution to ensure that performance pay increases are made in a fair and equitable manner, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1402** (Committee Substitute), a bill to establish a performance management and pay advisory committee within each department, agency, and institution to ensure that performance pay increases are made in a fair and equitable manner, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 2, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1382, a bill to authorize Polk and Transylvania Counties to collect certain fees in the same manner as *ad valorem* taxes, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—42.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1522, a bill to authorize Alleghany, Caswell, Richmond, and Watauga Counties to collect certain fees in the same manner as *ad valorem* taxes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—42.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1477, a bill to allow the County of Pitt to acquire land for economic development and dispose of same without public sale, upon second reading.

Without objection, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, the bill is recommitted to the **Local Government and Regional Affairs Committee.**

WITHDRAWAL FROM COMMITTEE

H.B. 2191, a bill to allow the County of Pitt to acquire land for economic development and dispose of same without public sale.

On motion of Senator Sands, the rules are suspended, and the bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for Tuesday, July 3.

CALENDAR (Continued)

H.B. 2170, a bill to revise and consolidate the Charter of the Town of Chadbourn, upon second reading.

On motion of Senator Sands, consideration of the bill is postponed until Thursday, July 5.

S.B. 1489, a bill to provide that purchasing procedures and contracts for improvements for the Town of Topsail Beach shall be governed by general law.

On motion of Senator Sands, the bill is recommitted to the **Local Government and Regional Affairs Committee.**

WITHDRAWAL FROM COMMITTEE

H.B. 2085, a bill to provide that purchasing procedures and contracts for improvements for the Town of Topsail Beach shall be governed by general law.

On motion of Senator Sands, the rules are suspended, and the bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for Tuesday, July 3.

CALENDAR (Continued)

H.B. 2040 (Senate Committee Substitute), a bill to remove the percentage area limitation on voluntary satellite annexations by the City of Statesville, and to modify that limitation as to the Town of Wake Forest, upon second reading.

Without objection, on motion of Senator Bryan, the Committee Substitute bill is temporarily displaced.

S.B. 1384, a bill to redefine the corporate boundaries of the Town of Stokesdale, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

S.B. 1419, a bill to revise and consolidate the Charter of the City of Reidsville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

S.B. 1453, a bill to clarify the enabling legislation for subdivision ordinance provisions relating to recreation areas in Orange County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

S.B. 1462, a bill relating to assessments for underground electrical wiring in the City of High Point, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

S.B. 1478 (Committee Substitute), a bill to incorporate the Town of Greenlevel in Alamance County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

H.B. 2059, a bill to remove from the corporate limits of the Town of Black Mountain an area included in error in an annexation ordinance effective February 28, 1989, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor,

Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

H.B. 2133, a bill to transfer a tract of land from the corporate limits of the City of Burlington to the corporate limits of the Town of Elon College, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

H.B. 2270 (Committee Substitute), a bill to amend the legal description of the land being within the municipal boundaries of the City of Durham and to amend the metes and bounds description of a portion of the real property located within the County of Durham set forth in Section 2, Chapter 435, Session Laws of 1985, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

S.B. 1414, a bill to authorize Burke County to collect certain fees in the same manner as *ad valorem* taxes.

The President rules the bill requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

S.B. 1461, a bill relating to zoning procedures of the City of High Point.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1485, a bill to provide for appointment of alternate members of the Wilmington Transit Authority.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1487 (Committee Substitute), a bill to provide a third option for distribution of local sales tax revenue within Pender County.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1488, a bill to limit the terms of office of members of the Wilmington Housing Authority.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 2054, a bill to allow the Mayor of the City of Whiteville to vote on all issues coming before the Council.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2061, a bill enabling the Town of Edenton to pass ordinances requiring that certain residential dwelling units have automatic smoke detectors.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2134, a bill to authorize the City of Burlington to convey a tract of land to Habitat for Humanity, at private sale.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2135, a bill to authorize the City of Burlington to convey a tract of land to Ralph Scott Group Homes, Inc., at private sale.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2161 (Committee Substitute), a bill to authorize the City of Oxford, North Carolina, to dispose of property by private sale in connection with lease-purchase arrangements for converting the D.N. Hix School complex into a city hall and fire house, and to allow McDowell County to reconvey property it obtained without monetary consideration because such property is not needed for the purpose it was acquired.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 2208, a bill to provide that it is unlawful to request ambulance service in Cleveland County when that service is not needed.

The bill passes its second and third readings and is ordered enrolled.

H.B. 606 (Senate Committee Substitute), a bill to make certain powers of attorney durable as defined in G.S. 32A-8.

Senator Johnson of Wake offers a motion to suspend the rules to allow the Senate Committee Substitute bill, which is held not to be germane, to be considered, which motion prevails.

The Senate Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

S.R. 1609, a Senate simple resolution honoring the men and women who died fighting for freedom in South Africa and to welcome Nelson Mandela, a living symbol of freedom, on his visit to the United States.

Senator Ballance offers a motion to suspend Rule 40(c) to allow consideration of the Senate simple resolution, which motion prevails.

On motion of Senator Ballance, the rules are suspended, and the Senate simple resolution is taken from the **Rules and Operation of the Senate Committee** and is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate resolution is adopted. (The text of this resolution appears in the Appendix.)

CALENDAR (Continued)

H.B. 688, a bill to increase the per diem allowance for members of the Board of Pharmacy.

The bill passes its second (42-1) and third readings and is ordered enrolled.

H.B. 2050 (Committee Substitute), a bill to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by granting certain regulatory authority to the North Carolina Real Estate Commission Real Estate Appraisal Committee, to redesignate it a board, and to add a new classification of voluntary appraiser certification, upon third reading.

The Committee Substitute bill passes its third reading (41-0) and is ordered enrolled.

H.B. 2116, a bill to provide that the additional tax on motorcycles is to be used for the motorcycle safety instruction program.

The Chair rules the bill does not require a call of the roll.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (43-1) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 2040 (Senate Committee Substitute), a bill to remove the percentage area limitation on voluntary satellite annexations by the City of Statesville, and to modify that limitation as to the Town of Wake Forest, temporarily displaced earlier, upon second reading.

Senator Bryan offers Amendment No. 1 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Ward, Wilson, and Winner—42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, July 2, for further consideration, upon third reading.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Conder for the **Education Committee**:

H.B. 2114, a bill to allow Bladen County to acquire property for use by the Bladen and Columbus County Boards of Education, with a favorable report, as amended.

H.B. 2158, a bill allowing construction of an elementary school in Bertie County using the design-build contract system, with a favorable report, as amended.

H.B. 2278, a bill to modify the school funding procedures for Robeson County, with a favorable report, as amended.

Senator Daniel rises to a point of personal privilege to announce the nomination of the Honorable J. Ollie Harris, Senator from Cleveland County, for the Dr. Nathan Davis Award in the category of State Legislator. The Senate acknowledges the nomination with an ovation.

On motion of Senator Barnes, seconded by Senator Johnson of Wake, the Senate adjourns at 2:05 P.M. to meet Monday, July 2, at 8:00 P.M.

ONE HUNDRED FIFTY-FOURTH DAY

SENATE CHAMBER,
Monday, July 2, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, give to us today vision in our work, patience in our relationships, discipline in our personal lives, and openness in our relationship with You.

"God, we are grateful that You know what we need before we ask. Thank You that You pursue us even when we are moving in directions contrary to Your purpose for our lives. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Thursday, June 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senator Staton, who had a prior commitment, and to Senator Guy and Senator Swain.

Senator Murphy is noted present for a portion of tonight's Session.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 1378 (Committee Substitute), a bill to establish a moratorium on the transfer of waters.

On motion of Senator Tally, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on her further motion the Committee Substitute bill is adopted.

On motion of Senator Tally, the Committee Substitute bill is placed on the Calendar for tomorrow, July 3.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following resolution filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senator Sherron:

S.J.R. 1614, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that the probationary time between an interlocutory decree and final adoption order may be the same for private adoptions as those arranged by social services or a licensed child-placing agency.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2263 (Committee Substitute), a bill to require reporting to the Department of Administration of participation by disadvantaged businesses in public procurement contracts and to require the Department to collect, compile, and report the data; and to clarify the public bidding law for single-prime and separate-prime competitive bids.

Referred to **State Government Committee.**

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to impose a minimum fee under that local act or to convert the district to a rural fire protection district.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities.

Referred to **Environment and Natural Resources Committee** and upon a favorable report re-referred to **Finance Committee.**

S.B. 465, a bill to allow municipalities in the City of Winston-Salem, the Town of Erwin, and Franklin and Lenoir Counties to regulate the abandonment of junked motor vehicles, for concurrence in the House Committee Substitute bill, which changes the House Committee Substitute bill from a local bill to a public bill, and changes the title, upon concurrence, to read **S.B. 465** (House Committee Substitute), a bill to clarify the motor vehicle salvage title law and to require certain damage disclosures.

Referred to **Transportation Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.R. 2389

House of Representatives
June 28, 1990

Mr. President:

It is ordered that a message be sent informing your Honorable Body that pursuant to H.R. 2389, "A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING A MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO FILL A CURRENT VACANCY", the House of Representatives has elected Dr. Priscilla Patterson Taylor to the Board of Governors of the University of North Carolina.

Respectfully,
S/Grace A. Collins
Principal Clerk

CALENDAR

Bills on the Calendar are taken up and disposed of as follows:

S.B. 1384, a bill to redefine the corporate boundaries of the Town of Stokesdale, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1414, a bill to authorize Burke County to collect certain fees in the same manner as *ad valorem* taxes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1419, a bill to revise and consolidate the Charter of the City of Reidsville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1453, a bill to clarify the enabling legislation for subdivision ordinance provisions relating to recreation areas in Orange County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1462, a bill relating to assessments for underground electrical wiring in the City of High Point, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin,

Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1478 (Committee Substitute), a bill to incorporate the Town of Greenlevel in Alamance County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 2040 (Senate Committee Substitute), a bill to remove the percentage area limitation on voluntary satellite annexations by the City of Statesville, and to modify that limitation as to the Town of Wake Forest, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 2059, a bill to remove from the corporate limits of the Town of Black Mountain an area included in error in an annexation ordinance effective February 28, 1989, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2133, a bill to transfer a tract of land from the corporate limits of the City of Burlington to the corporate limits of the Town of Elon College, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2270 (Committee Substitute), a bill to amend the legal description of the land being within the municipal boundaries of the City of Durham and to amend the metes and bounds description of a portion of the real property located within the County of Durham set forth in Section 2, Chapter 435, Session Laws of 1985, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1610, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to alter the manner for selecting drainage commissioners and to provide notice prior to assessment.

On motion of Senator Basnight, the rules are suspended, and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed at the end of tonight's Calendar for consideration.

CALENDAR (Continued)

S.B. 1383, a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity, as amended, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 3 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 3, for further consideration, upon third reading.

S.B. 1401, a bill to authorize Duplin County to collect certain fees in the same manner as *ad valorem* taxes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 3, for further consideration, upon third reading.

S.B. 1446, a bill to revise and consolidate the Charter of the City of Newton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 3, for further consideration, upon third reading.

H.B. 2113, a bill to provide that Bladen County is authorized to construct gas lines.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2114, a bill to allow Bladen County to acquire property for use by the Bladen and Columbus County Boards of Education.

On motion of Senator Conder, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read, **H.B. 2114**, a bill to allow Bladen and Columbus Counties to acquire property for use by the Bladen and Columbus County Boards of Education.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 2158, a bill allowing construction of an elementary school in Bertie County using the design-build contract system.

On motion of Senator Conder, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 2278, a bill to modify the school funding procedures for Robeson County.

On motion of Senator Conder, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read, **H.B. 2278**, a bill to modify the school funding procedures for Robeson County and to appoint members of the Board of Education for the public schools of Robeson County.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1360 (Committee Substitute), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, to increase certain fees to offset the loss of revenue resulting from the modifications to the Highway Use Tax, and to make technical changes in the laws affected by the Highway Trust Fund, upon second reading.

On motion of Senator Rauch, the Committee Substitute bill, is recommitted to the **Finance Committee**.

S.B. 1587 (Committee Substitute), a bill to improve the procedure for collecting debts owed the State by setting off the debts against tax refunds, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler,

Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 3, for further consideration, upon third reading.

S.B. 1588, a bill to simplify the privilege license tax on restaurants, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 3, for further consideration, upon third reading.

S.B. 937 (Committee Substitute), a bill to require people to be licensed to practice electrology.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1345 (Committee Substitute), a bill to make various changes to the State Personnel Act.

Senator Johnson of Wake offers Amendment No. 1 which is adopted (43-1).

The Committee Substitute bill, as amended, passes its second reading (44-1).

Senator Bryan objects to the third reading of the measure and the Committee Substitute bill, as amended, remains on the Calendar for tomorrow, July 3, for further consideration, upon third reading.

S.B. 1402 (Committee Substitute), a bill to establish a performance management and pay advisory committee within each department, agency, and institution to ensure that performance pay increases are made in a fair and equitable manner.

Senator Odom offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (44-0).

Senator Odom objects to the third reading of the measure and the Committee Substitute bill, as amended, remains on the Calendar for tomorrow, July 3, for further consideration, upon third reading.

S.B. 1467 (Committee Substitute), a bill to increase the fees that may be charged by the State Board of Barber Examiners.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1493 (Committee Substitute), a bill to impose a blood-alcohol content analysis fee to be paid by certain persons convicted of impaired driving.

Without objection, on motion of Senator Soles, the Committee Substitute bill is temporarily displaced.

S.J.R. 1604, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide the rules and procedures for municipal redistricting in 1991.

The joint resolution passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.J.R. 2096, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to limit to four years service of the Speaker and Speaker *Pro Tempore* of the House of Representatives.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

H.J.R. 2240, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to extend to two years the time period for which victims ten years old or younger may receive compensation for economic loss from the Victims Compensation Fund.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

H.J.R. 2303, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to expand the egg promotion tax to include processed eggs.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

H.J.R. 2361, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to restrict parole, good time, and gain time eligibility for offenders who commit first and second degree murder, and to provide notification of parole hearings to the district attorney, the victim's family, and the arresting law enforcement agency.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

H.J.R. 2384, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to consolidate, clarify, and improve the Statutes relating to railroad/motor vehicle safety.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

H.J.R. 2385, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

H.J.R. 2387, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to repeal the sunset on the limitation on insurance required on waterslides.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

H.J.R. 2388, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to delay the effective date of presumptive child support guidelines prescribed by the Conference of Chief District Court Judges.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

S.J.R. 1610, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to alter the manner for selecting drainage commissioners and to provide notice prior to assessment.

The joint resolution passes its second (45-0) and third readings and without objection, on motion of Senator Basnight, is ordered sent to the House of Representatives by special messenger.

S.B. 1493 (Committee Substitute), a bill to impose a blood-alcohol content analysis fee to be paid by certain persons convicted of impaired driving, temporarily displaced earlier.

Senator Barker offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second (43-1) and third readings and is ordered engrossed and sent to the House of Representatives.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate and referred to committee, as follows: (See Appendix)

Executive Order Number 120, An Executive Order establishing additional criteria for eligibility of certain members of the Coastal Resources Commission.

Referred to **State Government Committee**.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the reports accompanying it, and takes its place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

H.B. 1427 (Committee Substitute), a bill to appropriate funds to the Department of Insurance for a survey of dental risk management programs, and to modify per diem and officer salary authorization for the Board of Dental Examiners, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill with Amendment No. 1.

On motion of Senator Royall, the rules are suspended, and the Senate Committee Substitute bill with Amendment No. 1 which changes the title, upon concurrence, to read **H.B. 1427** (Senate Committee Substitute), a bill to modify per diem and officer salary authorization for the Board of Dental Examiners, is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate Committee Substitute bill with Amendment No. 1 is adopted, and on his further motion is placed on the Calendar for tomorrow, July 3, for further consideration.

The President recognizes the following pages serving in the Senate this week:

Tracey Barbour, Raleigh; Keith Binder, Raleigh; Anna Bowen, Raleigh; Ashley Dozier, Raleigh; Charlie Finch, Raleigh; Trey Gaylord, Raleigh; Robert Griffin, Raleigh; Quasheba Hardiman, Fayetteville; Burton Holderness, Tarboro; Inez Holderness, Tarboro; Allison Liles, Raleigh; Maria Marbet, Raleigh; Jonathan E. Mitchell, Wendell; Julia Parsons, Raleigh; Michael L. Rhyne, Youngsville; Mac Smith, Raleigh; Nathaniel Teel, Charlotte; Angelica Williams, Middlesex; and Susan Young, Raleigh.

On motion of Senator Barnes, seconded by Senator Carpenter, the Senate adjourns at 9:14 P.M. to meet tomorrow, July 3, at 12:30 P.M.

ONE HUNDRED FIFTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, July 3, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, as we celebrate tomorrow the birth of this nation, help us to reflect today on an essential element of freedom—courage.

"Someone once asked, 'Where does the courage come from to see the race to its end...it comes from within.'

"Help us Father to take a penetrating look deep inside ourselves. Grant us the courage to face those giants in our own lives that threaten to undo us and rule over us.

"Do not allow us to miss the most important lesson of the American Revolution, that no matter how large or intimidating the foe, real courage, the courage that comes from within is sufficient for the battle or for the task.

"Remind us also that genuine courage seeks not war, but peace, even when struggle is necessary to liberate those who, for whatever reason, are not yet free, and not yet at peace.

"For those men and women who courageously chose to risk all they had for freedom, their freedom and ultimately our freedom, we give You thanks today. In Your Name, we pray, Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Martin of Pitt, due to personal reasons; to Senator Staton and Senator Swain.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 688, an act to increase the per diem allowance for members of the Board of Pharmacy. (Ch. 825)

H.B. 1030 (Committee Substitute), an act to amend the Statutes regulating bingo. (Ch. 826)

H.B. 2050 (Committee Substitute), an act to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by granting certain regulatory authority to the North Carolina Real Estate Commission Real Estate Appraisal Committee, to redesignate it a board, and to add a new classification of voluntary appraiser certification. (Ch. 827)

H.B. 2054, an act to allow the Mayor of the City of Whiteville to vote on all issues coming before the Council. (Ch. 828)

H.B. 2061, an act enabling the Town of Edenton to pass ordinances requiring that certain residential dwelling units have automatic smoke detectors. (Ch. 829)

H.B. 2116, an act to provide that the additional tax on motorcycles is to be used for the motorcycle safety instruction program. (Ch. 830)

H.B. 2134, an act to authorize the City of Burlington to convey a tract of land to Habitat for Humanity, at private sale. (Ch. 831)

H.B. 2135, an act to authorize the City of Burlington to convey a tract of land to Ralph Scott Group Homes, Inc., at private sale. (Ch. 832)

H.B. 2161 (Committee Substitute), an act to authorize the City of Oxford, North Carolina, to dispose of property by private sale in connection with lease-purchase arrangements for converting the D.N. Hix School complex into a city hall and fire house, and to allow McDowell County to reconvey property it obtained without monetary consideration because such property is not needed for the purpose it was acquired. (Ch. 833)

H.B. 2208, an act to provide that it is unlawful to request ambulance service in Cleveland County when that service is not needed. (Ch. 834)

S.B. 1346, an act to reduce the terms of Charlotte Housing Authority Commissioners from five years to three years. (Ch. 835)

S.B. 1371, an act to allow Henderson County to name private roads in unincorporated areas. (Ch. 836)

H.B. 2065, an act to repeal the prohibition on bear hunting in Dare County and to authorize the establishment of seasons for hunting black bears in Dare County. (Ch. 837)

H.B. 2059, an act to remove from the corporate limits of the Town of Black Mountain an area included in error in an annexation ordinance effective February 28, 1989. (Ch. 838)

H.B. 2113, an act to provide that Bladen County is authorized to construct gas lines. (Ch. 839)

H.B. 2133, an act to transfer a tract of land from the corporate limits of the City of Burlington to the corporate limits of the Town of Elon College. (Ch. 840)

H.B. 2270 (Committee Substitute), an act to amend the legal description of the land being within the municipal boundaries of the City of Durham and to amend the metes and bounds description of a portion of the real property located within the County of Durham set forth in Section 2, Chapter 435, Session Laws of 1985. (Ch. 841)

S.J.R. 1436, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes. (Res. 48)

S.J.R. 1560, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds. (Res. 49)

H.J.R. 2096, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to limit to four years service of the Speaker and Speaker *Pro Tempore* of the House of Representatives. (Res. 50)

H.J.R. 2240, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to extend to two years the time period for which victims ten years old or younger may receive compensation for economic loss from the Victims Compensation Fund. (Res. 51)

H.J.R. 2303, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to expand the egg promotion tax to include processed eggs. (Res. 52)

H.J.R. 2361, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to restrict parole, good time, and gain time eligibility for offenders who commit first and second degree murder, and to provide notification of parole hearings to the district attorney, the victim's family, and the arresting law enforcement agency. (Res. 53)

H.J.R. 2384, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to consolidate, clarify, and improve the Statutes relating to railroad/motor vehicle safety. (Res. 54)

H.J.R. 2385, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science. (Res. 55)

H.J.R. 2387, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to repeal the sunset on the limitation on insurance required on waterslides. (Res. 56)

H.J.R. 2388, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to delay the effective date of presumptive child support guidelines prescribed by the Conference of Chief District Court Judges. (Res. 57)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.J.R. 985 (Committee Substitute No. 3), a joint resolution authorizing the Legislative Research Commission to study the issue of establishing a North Carolina Health Insurance Pool.

Pursuant to Resolution 34, the Committee Substitute bill No. 3 is ordered held in the office of the Principal Clerk.

S.B. 463 (House Committee Substitute No. 2), a bill providing for the regulation of athlete agents, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for Thursday, July 5.

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission, to provide for the study of the organization, functions, powers, and duties of the Wastewater Treatment Plant Operators Certification Commission by the Environmental Review Commission, and to provide for a study by the Environmental Review Commission of the feasibility of levying a tax on the emission or air contaminants and on the discharge of waste from point sources to the surface waters of the State, for concurrence in House Amendment No. 1, which is placed on the Calendar for Thursday, July 5.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1383, a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Carpenter, Chalk, Cochrane, Conder, Daughtry, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Lee, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—35.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1401, a bill to authorize Duplin County to collect certain fees in the same manner as *ad valorem* taxes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Carpenter, Chalk, Cochrane, Conder, Daughtry, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Lee, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—37.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1446, a bill to revise and consolidate the Charter of the City of Newton, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Carpenter, Chalk, Cochrane, Conder, Daughtry, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Lee, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—37.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 2085, a bill to provide that purchasing procedures and contracts for improvements for the Town of Topsail Beach shall be governed by general law.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2191, a bill to allow the County of Pitt to acquire land for economic development and dispose of same without public sale.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1587 (Committee Substitute), a bill to improve the procedure for collecting debts owed the State by setting off the debts against tax refunds, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—39.

Voting in the negative: Senator Ballance—1.

Without objection, on motion of Senator Barker, the bill is ordered sent to the House of Representatives by special messenger.

S.B. 1588, a bill to simplify the privilege license tax on restaurants, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1378 (Committee Substitute), a bill to establish a moratorium on the transfer of waters.

The Committee Substitute bill passes its second reading (44-0).

Senator Johnson of Wake objects to the third reading of the bill.

The Chair orders the Committee Substitute bill placed on the Calendar for Thursday, July 5, for further consideration, upon third reading.

H.B. 1427 (Senate Committee Substitute), a bill to modify per diem and officer salary authorization for the Board of Dental Examiners.

Senator Royall offers a motion that the vote by which the Senate Committee Substitute bill with Amendment No. 1 was adopted be reconsidered, which motion prevails.

Senator Royall offers a motion that the rules be suspended to allow Amendment No. 1, directed to the House Committee Substitute bill and inadvertently placed into the jacket of the Senate Committee Substitute bill, be taken from the Senate Committee Substitute bill and placed in the original bill which was given an unfavorable report but favorable as to the Senate Committee Substitute bill. The motion prevails and the question becomes the adoption of the Senate Committee Substitute bill.

Senator Royall offers a motion that the Senate Committee Substitute bill, printed as Edition Number 3, be adopted, which motion prevails and the bill remains before the Senate for further consideration, upon second reading.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Local Government and Regional Affairs Committee**:

S.B. 1448, a bill to allow Cherokee County to establish a county recreation and security service district, and levy a tax in that district for services of the district, subject to a referendum, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee**.

H.B. 2076, a bill to authorize the Board of Commissioners of Davidson County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davidson County, with a favorable report.

H.B. 2081, a bill to increase the maximum vehicle tax that can be levied in the City of Gastonia from five dollars to fifteen dollars, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee**.

H.B. 2084, a bill to authorize the Village of Bald Head Island to contract for water supply and pressure for fire protection purposes without complying with the bid statutes and to impose special assessments, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee**.

H.B. 2119, a bill to authorize Davie County to levy a room occupancy and tourism development tax, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee**.

H.B. 2120, a bill to allow the Davie County Board of County Commissioners to increase the extraterritorial planning jurisdiction of the Town of Mocksville within Davie County out to two miles beyond the corporate limits, with a favorable report.

H.B. 2123, a bill to allow Henderson County to name private roads in unincorporated areas, with a favorable report.

H.B. 2153, a bill to change the responsibility for appointing and supervising the City Clerk and City Treasurer (Finance Director) of the City of Statesville from the Council to the Manager, with a favorable report.

H.B. 2188, a bill to permit the Wake County to use unmarked county vehicles for delivery of certain human services, with a favorable report.

H.B. 2193, a bill to allow the Harnett County Board of Commissioners, after public hearing, to extend the boundaries of any voted fire protection district out to five road miles, with a favorable report.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee**.

H.B. 2196, a bill to authorize the Town of Caswell Beach to create a sea turtle sanctuary, with a favorable report.

H.B. 2201, a bill to exclude from the corporate limits of the Town of Laurel Park an area recently discovered to be within those limits, with a favorable report.

H.B. 2228, a bill to reduce the number of appeals board votes required to reverse or modify an order of the City of Charlotte Housing Code official, with a favorable report.

H.B. 2243 (Committee Substitute), a bill to increase the membership of the Elizabeth City-Pasquotank County Airport Authority, with a favorable report.

H.B. 2247, a bill allowing the City of Lumberton in arriving at the amount of consideration for an economic development conveyance to take into consideration prospective revenues generated by the development, with a favorable report.

H.B. 2256, a bill to authorize the Town of Pilot Mountain to extend its extraterritorial zoning, with a favorable report.

H.B. 2261, a bill to allow the Charlotte City Manager to settle claims against the City which do not exceed thirty thousand dollars without giving prior notice to the Charlotte City Council, with a favorable report.

H.B. 2272, a bill to modify the authority of Henderson County to regulate the subdivision of land, with a favorable report.

H.B. 2273, a bill amending the Charter of the City of Winston-Salem relating to fair housing, with a favorable report.

S.B. 1447, a bill to suspend the operation of an annexation ordinance of the Town of Andrews, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sends, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Sands, the Committee Substitute bill is re-referred to the **Finance Committee.**

CALENDAR (Continued)

S.B. 1345 (Committee Substitute), a bill to make various changes to the State Personnel Act, as amended, upon third reading.

On motion of Senator Johnson of Wake, consideration of the Committee Substitute bill, as amended, is postponed until Monday, July 9.

S.B. 1402 (Committee Substitute), a bill to establish a performance management and pay advisory committee within each department, agency, and institution to ensure that performance pay increases are made in a fair and equitable manner, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (45-0) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson of Wake for the **Judiciary III Committee:**

H.B. 170, a bill to amend the law regarding property tax incentives for historic properties, with a favorable report.

H.B. 608, a bill to authorize water and sewer condemnors to exercise the power of quick-take in accordance with the provisions of Chapter 40A of the General Statutes as recommended by the General Statutes Commission, with a favorable report.

CALENDAR (Continued)

S.B. 1378 (Committee Substitute), a bill to establish a moratorium on the transfer of waters, upon third reading.

Senator Johnson of Wake withdraws his objection to third reading and with unanimous consent, the Committee Substitute bill is withdrawn from the Calendar of Thursday, July 5, and is placed before the Senate for further consideration upon its third reading.

The Committee Substitute bill passes its third reading (45-0) and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S.B. 1392 (Committee Substitute), a bill to modify the corporate limits of the Town of Pineville and the City of Charlotte, with a favorable report.

S.B. 1481 (Committee Substitute), a bill to authorize Pender County and Surf City to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report.

H.B. 755 (Committee Substitute), a bill concerning voluntary satellite annexations by the Town of Garner, with a favorable report.

H.B. 2045, a bill to allow the Town of Wake Forest to make special assessments without petition for the placement of utility lines underground, with a favorable report.

H.B. 2075, a bill to authorize the Town of Cary to levy an occupancy tax, with a favorable report.

H.B. 2087, a bill to allow the Town of Sunset Beach to make special assessments for undergrounding of cable television lines, with a favorable report.

H.B. 2184, a bill to provide for the registration of land in Warren County and to require any person hunting or possessing a firearm or bow and arrow that is readily available for use to secure an entry permit before entering or remaining on registered land or remaining on abutting portions of highway, with a favorable report.

H.B. 2195, a bill to authorize the Town of Long Beach to compromise or forgive local occupancy tax penalties, with a favorable report.

S.B. 1408 (Committee Substitute), a bill to provide for supplemental fees, licenses, written examinations, and continuing education for agents who sell Medicare supplement or long-term care insurance policies; to fund the seniors' health insurance information program; and to amend the Medicare supplement insurance law in accordance with recent congressional action, with a favorable report, as amended.

H.B. 2079, a bill to increase the maximum vehicle tax that can be levied in the Town of Ahoskie from five dollars to ten dollars, with a favorable report, as amended.

S.B. 1534, a bill to establish fees for processing applications for mining permits and applications for modifications and renewals of existing mining permits, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Thursday, July 5, for further consideration.

S.B. 1535, a bill to establish fees for processing applications for approval of construction, repair, alteration, or removal of dams, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Thursday, July 5, for further consideration.

S.B. 1536, a bill to establish fees for processing erosion control plan approvals under the Sedimentation Pollution Control Act of 1973, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill which changes the title to read, **S.B. 1536** (Committee Substitute), a bill to establish fees for processing erosion control plan approvals under the Sedimentation Pollution Control Act, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 5, for further consideration.

S.B. 1559, a bill to support local health programs through an increase in the license tax on food and lodging facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill which changes the title to read, **S.B. 1559** (Committee Substitute), a bill to support public health programs and activities through an annual fee for food and lodging facilities and meat markets, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 5, for further consideration.

Nomination of Senator Marshall A. Rauch for National Entrepreneur Award

Senator Soles rises to a point of personal privilege and brings to the attention of the Senate that the Honorable Marshall A. Rauch, Senator from Gaston County, has been named the Senior Master Entrepreneur and the Honorable Wendell H. Murphy, Senator from Duplin County, has been named a runner-up, in a state-wide competition sponsored by the international accounting firm of Ernst and Young. As a state-wide winner, Senator Rauch will compete for national recognition. The Senate responds with an ovation.

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 1:15 P.M., in observance of Independence Day, to meet Thursday, July 5, at 1:00 P.M.

ONE HUNDRED FIFTY-SIXTH DAY

SENATE CHAMBER,
Thursday, July 5, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we stand before You today as a corporate body and as individuals acknowledging that our needs are as diverse and complex as the number of people in this Chamber at this moment.

"Yet, as numerous and big as our needs are, we recognize that Your ability to meet our needs is greater than the needs themselves. We are grateful that Your patience is larger than our unwillingness to change, that Your compassion is deeper than our pain, that Your belief in us outdistances our self-doubt, and that Your love for us overwhelms our transgressions.

"For these realities of who You are in relationship to us, for the fact of Your steadfast and unchanging nature, we are grateful, today and always. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Tuesday, July 3, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Harris and Senator Rauch, due to a flight delay; to Senator Swain, Senator Johnson of Cabarrus, and Senator Staton.

It is noted that Senator Harris and Senator Rauch are present for a portion of today's Session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 896 (Committee Substitute), an act to include fire sprinkler contractors under the licensure requirements of the State Board of Examiners of plumbing and heating contractors; and to change the composition of the Board. (Ch. 842)

S.B. 1479, an act to enable residents of the City of Mebane to fish without a hook and line fishing license within Lake Michael, a municipal water impoundment. (Ch. 843)

H.B. 736, an act to increase the civil penalties for violations under the Occupational Safety and Health Act of North Carolina. (Ch. 844)

H.B. 2047 (Senate Committee Substitute), an act to provide for direct conversion of a savings institution to a bank and a bank to a savings institution. (Ch. 845)

H.B. 2085, an act to provide that purchasing procedures and contracts for improvements for the Town of Topsail Beach shall be governed by general law. (Ch. 846)

H.B. 2191, an act to allow the County of Pitt to acquire land for economic development and dispose of same without public sale. (Ch. 847)

S.J.R. 1610, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to alter the manner for selecting drainage commissioners and to provide notice prior to assessment. (Res. 58)

INTRODUCTION OF BILL

Senator Winner, upon receipt of a fiscal note, offers a motion that **S.B. 1581**, a bill to enact the 1990 Omnibus Drug Act, ordered held as filed in the Office of the Principal Clerk on June 6, 1990, pursuant to Resolution 34, be called from the Clerk's Office and presented to the Senate, which motion prevails. The bill passes its first reading and on motion of Senator Winner is referred to the **Judiciary II Committee.**

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

Without objection, the Chair orders Committee Substitute bills reported from Committee today placed on the Calendar for Monday, July 9.

By Senator Johnson of Wake for the **Judiciary III Committee**:

S.B. 1568, a bill to provide that prisoners incarcerated in the State prison system shall be required to reimburse the State for the cost of their incarceration, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

Without objection, the Chair orders the Committee Substitute bill placed on the Calendar for Monday, July 9, for further consideration.

H.B. 1147 (Senate Committee Substitute), a bill to clarify that a joint tenancy with right of survivorship may be created if the right of survivorship is expressly provided for in the instrument creating the joint tenancy, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Johnson of Wake, the rules are suspended, and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill No. 2 is adopted.

Without objection, the Chair orders the Senate Committee Substitute bill No. 2 placed on the Calendar for Monday, July 9, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S.B. 1351, a bill to make technical changes relating to joint, trust, and personal agency accounts at financial institutions, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 6.

S.B. 1362 (House Committee Substitute), a bill to treat investments in a partnership in which the North Carolina Enterprise Corporation is the only general partner as an investment in the corporation and to extend the tax credit for investments in an enterprise corporation, for concurrence in the House Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, without objection, and the House Committee Substitute is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (37-0), and the House Committee Substitute bill is ordered enrolled.

H.B. 2093 (Committee Substitute), a bill to allow any local government which has established an erosion and sediment control plan approved by the North Carolina Sedimentation Control Commission to receive the penalty fees imposed for failure to submit an erosion control plan.

Referred to **Finance Committee**.

H.B. 2129 (Committee Substitute), a bill relating to Cabarrus Memorial Hospital.

Referred to **Local Government and Regional Affairs Committee**.

H.J.R. 2396, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of William T. "Billy" Watkins.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1392 (Committee Substitute), a bill to modify the corporate limits of the Town of Pineville and the City of Charlotte, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

S.B. 1481 (Committee Substitute), a bill to authorize Pender County and Surf City to collect certain fees in the same manner as *ad valorem* taxes, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 755 (Committee Substitute), a bill concerning voluntary satellite annexations by the Town of Garner, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 2045, a bill to allow the Town of Wake Forest to make special assessments without petition for the placement of utility lines underground, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 2075, a bill to authorize the Town of Cary to levy an occupancy tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 2079, a bill to increase the maximum vehicle tax that can be levied in the Town of Ahoskie from five dollars to ten dollars, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—40.

Voting in the negative: Senator Royall—1.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 2087, a bill to allow the Town of Sunset Beach to make special assessments for undergrounding of cable television lines, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 2184, a bill to provide for the registration of land in Warren County and to require any person hunting or possessing a firearm or bow and arrow that is readily available for use to secure an entry permit before entering or remaining on registered land or remaining on abutting portions of highway, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 2201, a bill to exclude from the corporate limits of the Town of Laurel Park an area recently discovered to be within those limits, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin,

Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 2170, a bill to revise and consolidate the Charter of the Town of Chadbourn, upon second reading.

Without objection, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

Senator Sands offers Amendment No. 2 which is adopted (41-0).

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—42.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

H.B. 2076, a bill to authorize the Board of Commissioners of Davidson County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davidson County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2120, a bill to allow the Davie County Board of County Commissioners to increase the extraterritorial planning jurisdiction of the Town of Mocksville within Davie County out to two miles beyond the corporate limits.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2123, a bill to allow Henderson County to name private roads in unincorporated areas.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2153, a bill to change the responsibility for appointing and supervising the City Clerk and City Treasurer (Finance Director) of the City of Statesville from the Council to the Manager.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2188, a bill to permit Wake County to use unmarked county vehicles for delivery of certain human services.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2195, a bill to authorize the Town of Long Beach to compromise or forgive local occupancy tax penalties.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2196, a bill to authorize the Town of Caswell Beach to create a sea turtle sanctuary.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2228, a bill to reduce the number of appeals board votes required to reverse or modify an order of the City of Charlotte Housing Code official.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2243 (Committee Substitute), a bill to increase the membership of the Elizabeth City-Pasquotank County Airport Authority.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 2256, a bill to authorize the Town of Pilot Mountain to extend its extraterritorial zoning.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2261, a bill to allow the Charlotte City Manager to settle claims against the City which do not exceed thirty thousand dollars without giving prior notice to the Charlotte City Council.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2272, a bill to modify the authority of Henderson County to regulate the subdivision of land.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2273, a bill amending the Charter of the City of Winston-Salem relating to fair housing.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2247, a bill allowing the City of Lumberton in arriving at the amount of consideration for an economic development conveyance to take into consideration prospective revenues generated by the development.

Without objection, on motion of Senator Carpenter, the bill is taken up out of its regular order of business.

Senator Carpenter offers Amendment No. 1 which is adopted (43-0) changing the title, upon concurrence, to read, **H.B. 2247**, a bill allowing the City of Lumberton and the County of Macon in arriving at the amount of consideration for an economic development conveyance to take into consideration prospective revenues generated by the development.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1559 (Committee Substitute), a bill to support public health programs and activities through an annual fee for food and lodging facilities and meat markets, upon second reading.

Without objection, on motion of Senator Rauch, the Committee Substitute bill is temporarily displaced.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Local Government and Regional Affairs Committee:**

H.B. 899 (Committee Substitute), a bill to allow Randolph County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts, with a favorable report, as amended.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Sands, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee**.

H.B. 2101, a bill to annex certain described territory to the Town of Trent Woods, and providing that the general law on compensation of municipal officers shall apply, with a favorable report, as amended.

On motion of Senator Sands, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Sands, the bill, as amended, is re-referred to the **Finance Committee**.

H.B. 2171, a bill to amend the Charter of the City of Greensboro with respect to recall petitions, with a favorable report, as amended.

H.B. 2121, a bill to authorize the Board of Commissioners of Davie County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davie County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read, **H.B. 2121** (Senate Committee Substitute), a bill to authorize the Board of Commissioners of Davie County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davie County, and to authorize the Davie County Board of Education to convey or release any remaining interests in certain real property, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Senate Committee Substitute bill is adopted, and without objection, on his further motion is placed on the Calendar for Monday, July 9, for further consideration.

By Senator Speed for the **Agriculture Committee**:

H.B. 2282 (Committee Substitute), a bill to encourage recycling of food processing by-products and to require reports from the Department of Environment, Health, and Natural Resources concerning the land application of food processing by-products, with a favorable report.

By Senator Rauch for the **Finance Committee**:

S.B. 1360 (Committee Substitute), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, to increase overweight permit fees and other fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill No. 2, which changes the title to read, **S.B. 1360** (Committee Substitute No. 2), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, to increase certain fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for tomorrow, July 6, for further consideration.

CALENDAR (Continued)

S.B. 1559 (Committee Substitute), a bill to support public health programs and activities through an annual fee for food and lodging facilities and meat markets, upon second reading, temporarily displaced earlier.

Without objection, on motion of Senator Rauch, the Committee Substitute bill is placed at the end of today's Calendar.

H.B. 170, a bill to amend the law regarding property tax incentives for historic properties, upon second reading.

Senator Bryan offers Amendment No. 1, held to be material.

Upon a point of order, the Chair orders the bill, with Amendment No. 1 pending, recommitted to the **Finance Committee**, pursuant to Rule 42.

H.B. 608, a bill to authorize water and sewer condemnors to exercise the power of quick-take in accordance with the provisions of Chapter 40A of the General Statutes as recommended by the General Statutes Commission, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: Senator Cochrane—1.

The bill is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

S.B. 1408 (Committee Substitute), a bill to provide for supplemental fees, licenses, written examinations, and continuing education for agents who sell Medicare supplement or long-term care insurance policies; to fund the seniors' health insurance information program; and to amend the Medicare supplement insurance law in accordance with recent congressional action.

On motion of Senator Rauch, Committee Amendment No. 1 and Committee Amendment No. 2, which change the title to read, **S.B. 1408** (Committee Substitute), a bill to provide for supplemental fees, licenses, written examinations, and continuing education for agents who sell Medicare supplement or long-term care insurance policies; and to amend the Medicare supplement insurance law in accordance with recent congressional action, are adopted.

The Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1534 (Committee Substitute), a bill to establish fees for processing applications for mining permits and applications for modifications and renewals of existing mining permits.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Murphy for the **Higher Education Committee**:

H.B. 2186 (Committee Substitute), a bill to amend the laws relating to the regulation of proprietary schools, with a favorable report.

S.B. 1439, a bill to transfer the Veterans and Military Education Program from the Department of Community Colleges and the State Board of Community Colleges to the Board of Governors of the University of North Carolina, with a favorable report, as amended.

H.B. 1241, a bill to clarify the admissions status of persons eligible for in-state tuition at the University of North Carolina, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 1535 (Committee Substitute), a bill to establish fees for processing applications for approval of construction, repair, alteration, or removal of dams.

The Committee Substitute bill passes its second reading (45-0).

Senator Kaplan objects to the third reading of the measure and the Committee Substitute bill remains on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

S.B. 1536 (Committee Substitute), a bill to establish fees for processing erosion control plan approvals under the Sedimentation Pollution Control Act.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 463 (House Committee Substitute No. 2), a bill providing for the regulation of athlete agents, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: Senator Murphy—1.

The House Committee Substitute bill No. 2 remains on the Calendar for tomorrow, July 6, for further consideration, upon concurrence, upon third reading.

S.B. 1406, a bill to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission, to provide for the study of the organization, functions, powers, and duties of the Wastewater Treatment Plant Operators Certification Commission by the Environmental Review Commission, and to provide for a study by the Environmental Review Commission of the feasibility of levying a tax on the emission or air contaminants and on the discharge of waste from point sources to the surface waters of the State, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45-0), and the bill is ordered enrolled.

S.B. 1559 (Committee Substitute), a bill to support public health programs and activities through an annual fee for food and lodging facilities and meat markets, upon second reading, temporarily displaced earlier.

Senator Rauch offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford,

Marvin, Murphy, Odom, Parnell, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—42.

Voting in the negative: Senators Ballance, Bryan, and Simpson—3.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 6, for further consideration, upon third reading.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Marvin offers a motion that Rule 40 be suspended to allow the introduction of the following bill filed today, which motion prevails by a two-thirds majority vote.

By Senator Marvin:

S.B. 1615, a bill to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds.

On motion of Senator Marvin, the bill is placed before the Senate for immediate consideration.

Senator Royall rises to a point of order and pursuant to Rule 42, the Chair orders the bill referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Conder for the **Education Committee**:

S.B. 1543, a bill to clarify the authority of local school boards to select supplemental instructional material, to clarify requirements concerning the development of differentiated pay plans, and to appropriate funds for the implementation of differentiated pay plans, with a favorable report, as amended.

On motion of Senator Conder, the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Conder, the bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S.B. 1524, a bill to require parents to spend time at school with their children, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S.B. 1524** (Committee Substitute), a bill to direct the Education Study Commission to study the concept of requiring parents to spend time at school with their children, is placed before the Senate for immediate consideration.

On motion of Senator Conder, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

RE-REFERRALS

S.B. 1471, a bill to establish a State Educational Equity Grant Program.

On motion of Senator Conder, the rules are suspended, and the bill is taken from the **Education Committee** and is re-referred to the **Appropriations Committee**.

S.B. 1370, a bill providing for the use of funds in the Teaching Fellows Revolving Fund to offset General Fund appropriations and for other purposes.

On motion of Senator Conder, the rules are suspended, and the bill is taken from the **Education Committee** and is re-referred to the **Appropriations Committee**.

S.B. 1538, a bill to authorize the establishment of public education foundations.

On motion of Senator Conder, the rules are suspended, and the bill is taken from the **Education Committee** and is re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

S.B. 1535 (Committee Substitute), a bill to establish fees for processing applications for approval of construction, repair, alteration, or removal of dams, calendared for July 6, upon third reading.

Senator Kaplan withdraws his objection to third reading today and with unanimous consent, the Committee Substitute bill is withdrawn from the Calendar of July 6, and is placed before the Senate for further consideration, upon its third reading.

Senator Tally offers Amendment No. 1 which is adopted (43-0) and pursuant to Rule 55, changes the title to read, **S.B. 1535** (Committee Substitute), a bill to establish fees for processing applications for approval of construction or removal of dams.

The Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Basnight offers a motion that Rule 40 be suspended to allow the introduction and referral to committee of the following bill filed today, which motion prevails by a two-thirds majority vote.

By Senators Basnight, Martin of Pitt, Parnell, and Guy:

S.B. 1616, a bill to alter the manner for selecting drainage commissioners and to provide notice prior to assessment.

Referred to **Local Government and Regional Affairs Committee.**

ADDITIONAL CONFEREES APPOINTED

S.B. 13 (House Committee Substitute), a bill to implement the recommendations of the Safe Roads Act Study Committee of the Legislative Research Commission.

The Senate fails to concur in the House Committee Substitute bill on July 14, 1989, and appoints conferees on July 15, 1989. Senator Barnes appoints Senators Daniel (Vice-Chairman), Cochrane, and Conder as additional conferees. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Barnes, seconded by Senator Harris, the Senate adjourns at 2:26 P.M. to meet tomorrow, July 6, at 9:00 A.M.

ONE HUNDRED FIFTY-SEVENTH DAY

SENATE CHAMBER,
Friday, July 6, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, in the absence of the President of the Senate.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we give thanks today for those obstacles in our path that make life more challenging, that make us stronger individuals. We also give thanks for those people in our lives who by their very presence make our burdens lighter, who encourage us and motivate us to overcome those obstacles and hurdles. Remind us today that no person is an island, and that our success relies not only on individual initiative, but also on the support and assistance of our friends, our families, and our colleagues. For the gift of relationships, Father, we give thanks. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces that the Journal of yesterday, July 5, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Basnight, Senator Swain, Senator Staton, and to Senator Smith, who is attending a family meeting.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1362 (House Committee Substitute), an act to treat investments in a partnership in which the North Carolina Enterprise Corporation is the only general partner as an investment in the corporation and to extend the tax credit for investments in an enterprise corporation. (Ch. 848)

S.B. 1376, an act amending G.S. 40A-3. (Ch. 849)

S.B. 1406, an act to delay the effective date of Chapter 372 of the 1989 Session Laws relating to the Wastewater Treatment Plant Operators Certification Commission, to provide for the study of the organization, functions, powers, and duties of the Wastewater Treatment Plant Operators Certification Commission by the Environmental Review Commission, and to provide for a study by the Environmental Review Commission of the feasibility of levying a tax on the emission or air contaminants and on the discharge of waste from point sources to the surface waters of the State. (Ch. 850)

S.B. 1591 (Committee Substitute), an act to clarify provisions regarding the appointment of a guardian *ad litem*. (Ch. 851)

H.B. 2076, an act to authorize the Board of Commissioners of Davidson County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davidson County. (Ch. 852)

H.B. 2120, an act to allow the Davie County Board of County Commissioners to increase the extraterritorial planning jurisdiction of the Town of Mocksville within Davie County out to two miles beyond the corporate limits. (Ch. 853)

H.B. 2123, an act to allow Henderson County to name private roads in unincorporated areas. (Ch. 854)

H.B. 2153, an act to change the responsibility for appointing and supervising the City Clerk and City Treasurer (Finance Director) of the City of Statesville from the Council to the Manager. (Ch. 855)

H.B. 2188, an act to permit Wake County to use unmarked county vehicles for delivery of certain human services. (Ch. 856)

H.B. 2195, an act to authorize the Town of Long Beach to compromise or forgive local occupancy tax penalties. (Ch. 857)

H.B. 2196, an act to authorize the Town of Caswell Beach to create a sea turtle sanctuary. (Ch. 858)

H.B. 2228, an act to reduce the number of appeals board votes required to reverse or modify an order of the City of Charlotte Housing Code official. (Ch. 859)

H.B. 2243 (Committee Substitute), an act to increase the membership of the Elizabeth City-Pasquotank County Airport Authority. (Ch. 860)

H.B. 2256, an act to authorize the Town of Pilot Mountain to extend its extraterritorial zoning. (Ch. 861)

H.B. 2261, an act to allow the Charlotte City Manager to settle claims against the City which do not exceed thirty thousand dollars without giving prior notice to the Charlotte City Council. (Ch. 862)

H.B. 2272, an act to modify the authority of Henderson County to regulate the subdivision of land. (Ch. 863)

H.B. 2273, an act amending the Charter of the City of Winston-Salem relating to fair housing. (Ch. 864)

INTRODUCTION OF BILLS

Senator Winner offers a motion that **S.B. 1418**, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes, ordered held as filed on the Office of the Principal Clerk on May 30, 1990, pursuant to Resolution 34, be taken from the Clerk's Office, pursuant to Resolution 48, and presented to the Senate, which motion prevails. The bill passes its first reading and without objection, is placed at the end of today's Calendar, for further consideration.

Senator Harris offers a motion that **S.B. 1612**, a bill to provide for the licensure of crematory operators and to establish the Crematory Authority within the Board of Mortuary Science, ordered held as filed in the Office of the Principal Clerk on June 27, 1990, pursuant to Resolution 34, be taken from the Clerk's Office, pursuant to Resolution 55, and presented to the Senate, which motion prevails. The bill passes its first reading and without objection, is placed at the end of today's Calendar, for further consideration.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 58 (House Committee Substitute), a bill to provide for the creation of Regional Solid Waste Management Authorities, with a favorable report, as to concurrence.

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Finance Committee**.

H.B. 1223 (Committee Substitute), a bill to clarify various statutes relating to the Inactive Hazardous Sites Program, with and unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read, **H.B. 1223** (Senate Committee Substitute), a bill to provide additional time for the development of water supply watershed classifications and for the classification of existing water supply watersheds and to delay the development of new sanitary landfills for the disposal of nonhazardous solid waste in water supply watersheds for which a petition for reclassification is pending until the classification of such watersheds is completed, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Monday, July 9, for further consideration.

By Senator Block for the **Pensions and Retirement Committee:**

S.B. 1545, a bill to allow additional retroactive membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

On motion of Senator Block, the bill is re-referred to **Appropriations Committee.**

S.B. 1584, a bill to extend coverage under the Disability Income Plan of North Carolina to participants who are on an employer approved leave of absence and in receipt of workers' compensation benefits, with a favorable report.

By Senator Royall for the **Appropriations Committee:**

S.B. 1615, a bill to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds, with a favorable report, as amended.

On motion of Senator Marvin, the rules are suspended, and the bill is placed on the Calendar for today in its regular order of business, for consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills which are read the first time and disposed of as follows:

H.B. 2168 (Committee Substitute), a bill to regulate the use to which the excess proceeds of the Windsor Firemen's Local Relief Fund may be put.

Referred to **Pensions and Retirement Committee.**

H.B. 2246, a bill to provide for staggered terms in the membership of the Simmons-Nott Airport Authority.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 2288 (Committee Substitute), a bill to provide that both felons and misdemeanants shall be eligible for intensive probation and parole.

Referred to **Judiciary I Committee.**

S.B. 1404 (House Committee Substitute), a bill to require consent of the Harnett, Haywood, Henderson, Jackson, Lee, Madison, Rockingham, Stokes, Swain, and Union County Boards of Commissioners before land in those Counties may be condemned or acquired by a unit of local government outside the County, for concurrence in the House Committee Substitute bill.

Recommitted to **Local Government and Regional Affairs Committee.**

S.B. 422 (House Committee Substitute), a bill to change the burden of proof in civil paternity actions, for concurrence in the House Committee Substitute bill.

Recommitted to **Judiciary II Committee.**

S.B. 1375 (House Committee Substitute), a bill amending Chapter 296 of the Public-Local Laws of 1939, As Amended, for concurrence in the House Committee Substitute bill.

Recommitted to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 2079, a bill to increase the maximum vehicle tax that can be levied in the Town of Ahoskie from five dollars to ten dollars, as amended, upon third reading.

Without objection, the bill, as amended, is taken up out of its regular order of business.

Senator Ballance offers a motion that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails, and the question becomes the passage of the bill, as amended, upon its second reading.

Senator Ballance offers a motion that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Amendment No. 1.

With unanimous consent, Senator Ballance withdraws Committee Amendment No. 1.

Senator Ballance offers Amendment No. 2 which is adopted (37-1).

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—36.

Voting in the negative: Senator Royall—1.

The bill, as amended, is ordered placed on the Calendar for Monday, July 9, for further consideration, upon third reading.

H.B. 2184, a bill to provide for the registration of land in Warren County and to require any person hunting or possessing a firearm or bow and arrow that is readily available for use to secure an entry permit before entering or remaining on registered land or remaining on abutting portions of highway, upon third reading.

Without objection, the bill is taken up out of its regular order of business and consequently, without objection, on motion of Senator Ballance the bill is temporarily displaced.

S.B. 1392 (Committee Substitute), a bill to modify the corporate limits of the Town of Pineville and the City of Charlotte, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

Without objection, on motion of Senator Wilson, the Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

S.B. 1481 (Committee Substitute), a bill to authorize Pender County and Surf City to collect certain fees in the same manner as *ad valorem* taxes, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 755 (Committee Substitute), a bill concerning voluntary satellite annexations by the Town of Garner, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 2045, a bill to allow the Town of Wake Forest to make special assessments without petition for the placement of utility lines underground, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2075, a bill to authorize the Town of Cary to levy an occupancy tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2087, a bill to allow the Town of Sunset Beach to make special assessments for undergrounding of cable television lines, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2170, a bill to revise and consolidate the Charter of the Town of Chadbourn, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 2201, a bill to exclude from the corporate limits of the Town of Laurel Park an area recently discovered to be within those limits, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—38.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2171, a bill to amend the Charter of the City of Greensboro with respect to recall petitions.

On motion of Senator Sands, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read, **H.B. 2171**, a bill to amend the Charter of the City of Greensboro with respect to recall petitions and with respect to voting requirements on appropriating funds from the General Fund balance of the City of Greensboro.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1559 (Committee Substitute), a bill to support public health programs and activities through an annual fee for food and lodging facilities and meat markets, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 36, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—36.

Voting in the negative: Senators Bryan, Kincaid, and Sands—3.

Senator Rauch offers a motion that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the Committee Substitute bill, as amended, on its third reading.

On motion of Senator Rauch, further consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, July 10.

H.B. 608, a bill to authorize water and sewer condemnors to exercise the power of quick-take in accordance with the provisions of Chapter 40A of the General Statutes as recommended by the General Statutes Commission, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of

Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—40.

Voting in the negative: Senator Cochrane—1.

The bill is ordered enrolled.

S.B. 1360 (Committee Substitute No. 2), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, to increase certain fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, upon second reading.

Senator Johnson of Wake offers Amendment No. 1.

Pursuant to Rule 42.1, Senator Rauch, Chairman of the **Finance Committee**, requests a fiscal note on Amendment No. 1. The Committee Substitute bill No. 2, with Amendment No. 1 pending, is placed on the Calendar for Tuesday, July 10, for receipt of a fiscal note.

S.B. 1439, a bill to transfer the Veterans and Military Education Program from the Department of Community Colleges and the State Board of Community Colleges to the Board of Governors of the University of North Carolina.

On motion of Senator Murphy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (38-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 2184, a bill to provide for the registration of land in Warren County and to require any person hunting or possessing a firearm or bow and arrow that is readily available for use to secure an entry permit before entering or remaining on registered land or remaining on abutting portions of highway, upon third reading, temporarily displaced earlier.

Senator Ballance offers Amendment No. 1 which is adopted (33-0).

The bill, as amended, passes its third reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Raynor, Richardson, Shaw, Sherron, Speed, Taft, Tally, Walker, and Ward—32.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1615, a bill to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds.

On motion of Senator Marvin, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (35-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1241, a bill to clarify the admissions status of persons eligible for in-state tuition at the University of North Carolina.

On motion of Senator Murphy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (37-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 2186 (Committee Substitute), a bill to amend the laws relating to the regulation of proprietary schools.

The Committee Substitute bill passes its second (37-0) and third readings and is ordered enrolled.

H.B. 2282 (Committee Substitute), a bill to encourage recycling of food processing by-products and to require reports from the Department of Environment, Health, and Natural Resources concerning the land application of food processing by-products.

The Committee Substitute bill passes its second (33-0) and third readings and is ordered enrolled.

S.B. 463 (House Committee Substitute No. 2), a bill providing for the regulation of athlete agents, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 2, on its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Murphy, Parnell, Plyler, Raynor, Richardson, Royall, Shaw, Sherron, Speed, Taft, Tally, Walker, Ward, Wilson, and Winner—35.

Voting in the negative: None.

The House Committee Substitute No. 2 is ordered enrolled.

S.B. 1351, a bill to make technical changes relating to joint, trust, and personal agency accounts at financial institutions, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (34-0), and the bill is ordered enrolled.

S.B. 1418, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.

The bill passes its second (34-0) and third readings and is ordered on motion of Senator Guy, without objection, sent to the House of Representatives by special messenger.

S.B. 1612, a bill to provide for the licensure of crematory operators and to establish the Crematory Authority within the Board of Mortuary Science.

On motion of Senator Winner, consideration of the bill is postponed until Monday, July 9.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Taft for the **Election Laws Committee**:

S.B. 1340, a bill to provide for the Election of the Board of Commissioners of Sampson County, to reflect the system adopted under a consent decree in the case of United States of America v. Sampson County Board of Commissioners, with a favorable report.

H.B. 1028 (Committee Substitute), a bill to revise the election of presidential electors, with a favorable report.

On motion of Senator Bryan, the Committee Substitute bill is placed on the Calendar for Wednesday, July 11.

H.B. 2080, a bill changing the method of electing the Town of Williamston Board of Commissioners to improve the opportunity for minority voters to elect candidates of their choice, with a favorable report.

H.B. 2100, a bill to validate the 1989 election in the Town of Watha, with a favorable report.

H.B. 2221 (Committee Substitute), a bill to revise the electoral system for the Clinton City School Administrative Unit to reflect a consent judgement in the federal case of Hall v. Kennedy, with a favorable report.

H.B. 2222 (Committee Substitute), a bill to revise the electoral system for the City of Clinton to reflect a consent judgement in the federal case of Hall v. Kennedy, with a favorable report.

H.B. 345 (Committee Substitute), a bill to consolidate into one form all absentee ballot application forms and to make other changes in the law affecting absentee ballots, with a favorable report, as amended.

On motion of Senator Royall, seconded by Senator Block, the Senate adjourns at 10:29 A.M. in memory of Cicero Yow, former Senator from New Hanover County, to meet Monday, July 9, at 8:00 P.M.

ONE HUNDRED FIFTY-EIGHTH DAY

SENATE CHAMBER,
Monday, July 9, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, as we gather tonight, to continue the pursuit of individual and group agendas, help us to share those agendas and plans with You not only at the final proofreading stage, but in the early planning stages as well.

"Remind us that Your desire is to be a co-laborer with us as we formulate an idea and then bring that idea through each stage to its conclusion. Remind us that Your definition of guidance means our daily communication with The One who knows the road best and how to travel it, rather than an occasional emergency call when our vehicle of the moment stalls or breaks down. For Your guiding presence with us, Father, we give thanks tonight. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Friday, July 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for tonight to Senator Swain, Senator Taft, Senator Staton; to Senator Winner, who is representing a client in court; and to Senator Sands, who is having knee surgery.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2067 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions.
Referred to **Ways and Means Committee.**

H.B. 2146, a bill to clarify the current proviso regarding a limitation on the number of State employees eligible to receive performance pay increases.
Referred to **State Personnel Committee.**

H.B. 2148, a bill to amend the performance pay system to allow some flexibility regarding the number of levels in the rating scale used to appraise the performance of State employees, with the top two levels of performance generally qualifying for performance increases.
Referred to **State Personnel Committee.**

H.B. 2160 (Committee Substitute No. 2), a bill to incorporate the Town of Badin, subject to a referendum.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2234, a bill to provide for four-year staggered terms for the Board of Commissioners of the Town of Red Oak.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 2258 (Committee Substitute), a bill to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund.
Referred to **Finance Committee.**

H.B. 2350, a bill to conform the Social Service Statutes with the Federal Job Opportunities and Basic Skills Training Program and to preserve State funds.
Pursuant to Resolution 34, the bill is ordered held as received in the Office of the Principal Clerk.

H.B. 2401, a bill to repeal the sunset on the limitation on insurance required on waterslides.
Referred to **Insurance Committee.**

S.B. 184, a bill to make evaluation by the State Building Commission of prior State work a factor affecting the award of contracts for State capital projects, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 10.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 463 (House Committee Substitute No. 2), an act providing for the regulation of athlete agents. (Ch. 865)

S.B. 1351, an act to make technical changes relating to joint, trust, and personal agency accounts at financial institutions. (Ch. 866)

S.B. 1358, an act to allow the City of Asheboro to lease airport property for an additional period without competitive bid. (Ch. 867)

S.B. 1443, an act to amend the reporting date from 1990 to 1991 for filing with the General Assembly of a Social Services Plan for the State of North Carolina by the Department of Human Resources. (Ch. 868)

S.B. 1496, an act to extend time for the resolution of claims to land under navigable waters. (Ch. 869)

S.B. 1523 (Committee Substitute), an act to authorize Forsyth County to levy an additional three percent occupancy tax. (Ch. 870)

H.B. 608, an act to authorize water and sewer condemnors to exercise the power of quick-take in accordance with the provisions of Chapter 40A of the General Statutes as recommended by the General Statutes Commission. (Ch. 871)

H.B. 755 (Committee Substitute), an act concerning voluntary satellite annexations by the Town of Garner. (Ch. 872)

H.B. 2045, an act to allow the Town of Wake Forest to make special assessments without petition for the placement of utility lines underground. (Ch. 873)

H.B. 2075, an act to authorize the Town of Cary to levy an occupancy tax. (Ch. 874)

H.B. 2087, an act to allow the Town of Sunset Beach to make special assessments for undergrounding of cable television lines. (Ch. 875)

H.B. 2158, an act allowing construction of an elementary school in Bertie County using the design-build contract system. (Ch. 876)

H.B. 2186 (Committee Substitute), an act to amend the laws relating to the regulation of proprietary schools. (Ch. 877)

H.B. 2201, an act to exclude from the corporate limits of the Town of Laurel Park an area recently discovered to be within those limits. (Ch. 878)

H.B. 2220, an act to establish fox seasons in Anson and Stanly Counties. (Ch. 879)

H.B. 2282 (Committee Substitute), an act to encourage recycling of food processing by-products and to require reports from the Department of Environment, Health, and Natural Resources concerning the land application of food processing by-products. (Ch. 880)

RE-REFERRAL

S.B. 1433, a bill giving Duplin County the same authority that cities have concerning operation of a gas production and distribution system.

On motion of Senator Guy, the rules are suspended, and the bill is taken from the **Public Utilities Committee** and is re-referred to the **Local Government and Regional Affairs Committee.**

SPECIAL MESSAGE FROM THE SENATE RETURNED

S.B. 1418

Senate Chamber,
July 6, 1990

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives informing that Honorable Body that the Senate has passed the following bill and asks concurrence of your Honorable Body therein: **S.B. 1418**, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.

Respectfully,
S/Sylvia M. Fink
Principal Clerk

By order of the Speaker returned for failure to comply with adjournment Resolution 34.

7/6/90
12:10 P.M.

S/Grace A. Collins
House Principal Clerk

Senator Guy offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the bill on its third reading.

On motion of Senator Guy, the bill is re-referred to the **Ways and Means Committee.**

RE-REFERRAL

S.B. 1555, a bill to ensure access to public higher education for North Carolinians with proven ability to learn.

On motion of Senator Murphy, the rules are suspended, and the bill is taken from the **Higher Education Committee** and is re-referred to the **Appropriations Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1612, a bill to provide for the licensure of crematory operators and to establish the Crematory Authority within the Board of Mortuary Science.

Without objection, on motion of Senator Harris, the bill is taken up out of its regular order of business and on his further motion is recommitted to the **Finance Committee.**

RE-REFERRAL

S.B. 1567, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, to appropriate additional funds to assure that the facility is properly sized, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes.

On motion of Senator Tally, the rules are suspended, and the bill is taken from the **Environment and Natural Resources Committee** and is re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

H.B. 2079, a bill to increase the maximum vehicle tax that can be levied in the Town of Ahoskie from five dollars to ten dollars, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan,

Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Richardson, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Wilson—41.

Voting in the negative: Senator Royall—1.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 2.

S.B. 1340, a bill to provide for the Election of the Board of Commissioners of Sampson County, to reflect the system adopted under a consent decree in the case of United States of America v. Sampson County Board of Commissioners.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 2080, a bill changing the method of electing the Town of Williamston Board of Commissioners to improve the opportunity for minority voters to elect candidates of their choice.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2100, a bill to validate the 1989 election in the Town of Watha.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2121 (Senate Committee Substitute), a bill to authorize the Board of Commissioners of Davie County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davie County, and to authorize the Davie County Board of Education to convey or release any remaining interests in certain real property.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 2221 (Committee Substitute), a bill to revise the electoral system for the Clinton City School Administrative Unit to reflect a consent judgment in the federal case of Hall v. Kennedy.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 2222 (Committee Substitute), a bill to revise the electoral system for the City of Clinton to reflect a consent judgment in the federal case of Hall v. Kennedy.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 1568 (Committee Substitute), a bill to provide that prisoners incarcerated in the State prison system shall be required to reimburse the State for the cost of their incarceration.

On motion of Senator Barker, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 1584, a bill to extend coverage under the Disability Income Plan of North Carolina to participants who are on an employer approved leave of absence and in receipt of workers' compensation benefits.

The bill passes its second (41-0) and third readings and is ordered, on motion of Senator Sherron, without objection, sent to the House of Representatives by special messenger.

H.B. 345 (Committee Substitute), a bill to consolidate into one form all absentee ballot application forms and to make other changes in the law affecting absentee ballots.

On motion of Senator Kaplan, consideration of the Committee Substitute bill is postponed until tomorrow, July 10.

H.B. 1147 (Senate Committee Substitute No. 2), a bill to clarify that a joint tenancy with right of survivorship may be created if the right of survivorship is expressly provided for in the instrument creating the joint tenancy.

The Senate Committee Substitute bill No. 2 passes its second (37-4) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Guy offers a motion that Rule 40 be suspended to allow the introduction of the following bill filed for introduction tonight which motion prevails by a two-thirds majority vote.

By Senator Guy:

S.B. 1617, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.

On motion of Senator Guy, the bill remains before the Senate for immediate consideration.

The bill passes its second (42-0) and third readings and is ordered, on motion of Senator Guy, without objection, sent to the House of Representatives by special messenger.

CALENDAR (Continued)

H.B. 1223 (Senate Committee Substitute), a bill to provide additional time for the development of water supply watershed classifications and for the classification of existing water supply watersheds and to delay the development of new sanitary landfills for the disposal of nonhazardous solid waste in water supply watersheds for which a petition for reclassification is pending until the classification of such watersheds is completed.

On motion of Senator Daniel, consideration of the Senate Committee Substitute bill is postponed until tomorrow, July 10.

S.B. 1345 (Committee Substitute), a bill to make various changes to the State Personnel Act, as amended, upon third reading.

Senator Johnson of Wake offers Amendment No. 2, to amend Amendment No. 1, which is adopted (42-0).

Senator Odom offers Amendment No. 3 which is adopted (41-0).

On motion of Senator Odom, the Committee Substitute bill, as amended, is rereferred to the **Appropriations Committee**.

S.B. 58 (House Committee Substitute), a bill to provide for the creation of Regional Solid Waste Management Authorities, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Wilson—42.

Voting in the negative: None.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 10, for further consideration, upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.J.R. 2392, a joint resolution honoring the life and memory of Herbert Clifton Blue, former member of the General Assembly.

On motion of Senator Walker, the rules are suspended without objection, and the joint resolution is placed before the Senate for immediate consideration. The Chair orders the joint resolution read in its entirety.

The joint resolution passes its second (44-0) and third readings and is ordered enrolled.

H.B. 2242 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Long View.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

WITHDRAWAL FROM COMMITTEE

S.B. 1616, a bill to alter the manner for selecting drainage commissioners and to provide notice prior to assessment.

On motion of Senator Basnight, the rules are suspended, and the bill is taken from the **Local Government and Regional Affairs Committee** and is placed before the Senate for immediate consideration.

The bill passes its second (42-0) and third readings and is ordered, on motion of Senator Basnight, without objection, sent to the House of Representatives by special messenger.

The President recognizes the following pages serving in the Senate this week:

Stephanie D. Alphin, Wendell; Natalie G. Barefoot, Raleigh; Joshua Bradford Brewer, Raleigh; Bo Carson, Bethel; Michelle R. Flowers, Fuquay Springs; April L. Foster, Yanceyville; Robert H. Lacey, Jr., Newland; Laurie Keel Landsittel, Raleigh; Dana M. Little, Winston-Salem; Bryan M. Moore, Raleigh; Christina E. O'Sullivan, Raleigh; Susan M. Painter, Manns Harbor; Joseph William Parry-Hill, Raleigh; Elizabeth Preston, Raleigh; Aaron D. Rice, Gibsonville; Jennifer Roney, Mebane; Robert W. Ryals, Raleigh; Allison Renee Sedwick, Wilson; Nicole D. Stallings, Wendell; Christie Anne Stancil, Raleigh; Reed E. Walmsley, LaGrange; and Jeff Wilson, Raleigh.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2245 (Committee Substitute), a bill to authorize the issuance of not in excess of seventy-five million dollars bonds of the State to provide funds, with any other available funds, for State prison facilities, such authorized bonds to be issued without an election during the biennium ended June 30, 1991, in an amount not in excess of such authorized amount and not in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the 1987-89 biennium, and to raise the prison population cap.

Referred to **Finance Committee.**

H.B. 2287 (Committee Substitute), a bill to authorize a bond referendum on the issuance of two hundred million dollars general obligation bonds of the State, to be voted on by the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities.

Referred to **Finance Committee.**

H.B. 2267, a bill to expand the eligibility for membership in the Supplemental Retirement Income Plan to employees of certain local governments and make technical corrections.

Referred to **Pensions and Retirement Committee**.

H.B. 2269 (Committee Substitute), a bill to allow a Superior Court Judge to enter judgment in a caveat proceeding in accordance with a settlement agreement entered into by the parties, either sustaining or setting aside the will.

Referred to **Judiciary III Committee**.

H.B. 2280, a bill to allow Dare County to establish a special leash law district, apply a leash law within that district, and levy a tax in that district for enforcement of the leash law.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

On motion of Senator Barnes, seconded by Senator Murphy, the Senate adjourns at 9:09 P.M. to meet tomorrow, July 10, at 1:00 P.M.

ONE HUNDRED FIFTY-NINTH DAY

SENATE CHAMBER,
Tuesday, July 10, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, so often in the last miles of a race, or in the last minutes of a game, competitors frequently find it difficult to continue to focus on their goal with the same level of energy as in the early stages of the contest.

"And then something happens to break the tension, something funny happens on the court or field, or a breeze blows suddenly when the day has been hot or still, or a time-out is called.

"For those individuals involved in this legislative process, who ease our burdens, whether they be legislators, staff, lobbyists, or media, who ease our burdens by their presence with us, or by their sense of humor, or their willingness to listen and respond to needs through their enthusiasm or endurance, or through their wisdom that comes only from experience, we give thanks today.

"Remind us that You send these people into our lives to help us when we are tired and need assistance in moving forward, even if that assistance is nothing more than a word or a well-timed joke and a needed laugh. For these people and their contributions to the process of government, we are grateful, Father. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Sands and Senator Staton.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1354, an act to regulate refund anticipation loans. (Ch. 881)

H.B. 2040 (Senate Committee Substitute), an act to remove the percentage area limitation on voluntary satellite annexations by the City of Statesville, and to modify that limitation as to the Town of Wake Forest. (Ch. 882)

H.B. 2080, an act changing the method of electing the Town of Williamston Board of Commissioners to improve the opportunity for minority voters to elect candidates of their choice. (Ch. 883)

H.B. 2100, an act to validate the 1989 election in the Town of Watha. (Ch. 884)

H.B. 2114, an act to allow Bladen and Columbus Counties to acquire property for use by the Bladen and Columbus County Boards of Education. (Ch. 885)

H.B. 2221 (Committee Substitute), an act to revise the electoral system for the Clinton City School Administrative Unit to reflect a consent judgement in the federal case of Hall v. Kennedy. (Ch. 886)

H.B. 2222 (Committee Substitute), an act to revise the electoral system for the City of Clinton to reflect a consent judgement in the federal case of Hall v. Kennedy. (Ch. 887)

H.J.R. 2392, a joint resolution honoring the life and memory of Herbert Clifton Blue, former member of the General Assembly. (Res. 59)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2403, a bill to extend to two years the time period for which victims ten years old or younger may receive compensation for economic loss from the Victims Compensation Fund.

Referred to **Judiciary I Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1559 (Committee Substitute), a bill to support public health programs and activities through an annual fee for food and lodging facilities and meat markets, as amended, upon third reading.

On motion of Senator Rauch, the Committee Substitute bill, as amended, is recommitted to the **Finance Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barker for the **Marine Resources and Wildlife Committee**:

S.B. 1399, a bill to establish a season for taking foxes by trapping in Edgecombe County, with a favorable report.

On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (36-1) and third readings and is ordered, on motion of Senator Barker, without objection, sent to the House of Representatives by special messenger.

S.B. 1400, a bill to prohibit the hunting or transportation of deer from or by boat or floating device on a portion of the Tar River in Edgecombe County, with a favorable report.

On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, on motion of Senator Barker, without objection, sent to the House of Representatives by special messenger.

By Senator Parnell for the **Insurance Committee**:

S.B. 1435, a bill to increase fees for licensing and appointments of insurance agents, brokers, and adjusters; and to amend other laws to decrease costs to the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill which changes the title to read, **S.B. 1435** (Committee Substitute), a bill to increase various fees and create new fees charged by the Department of Insurance; to amend the retaliatory premium tax law; to create, maintain, and appropriate money to the Department of Insurance Consumer Protection Fund; and to improve the financial stability of the State Property Fire Insurance Fund, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

By Senator Kaplan, Vice-Chairman, for the **Rules and Operation of the Senate Committee**:

S.J.R. 1611, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require resident inspectors at commercial hazardous waste facilities, with a favorable report.

S.J.R. 1614, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that the probationary time between an interlocutory decree and final adoption order may be the same for private adoptions as those arranged by social services or a licensed child-placing agency, with a favorable report.

H.B. 351, a bill to provide that legislators' economic interest statements will be available in a central place, with a favorable report.

H.J.R. 2024, a joint resolution honoring the life and memory of Elisha Mitchell on the Seventy-Fifth Anniversary of Mount Mitchell State Park and commemorating the establishment of the first State Park in North Carolina, with a favorable report.

H.J.R. 2396, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of William T. "Billy" Watkins, with a favorable report.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

S.J.R. 1438, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly, with a favorable report.

S.B. 1416, a bill to appoint persons to various boards and commissions upon the recommendation of the President of the Senate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Kaplan, the Committee Substitute bill is placed on the Calendar for tomorrow, July 11, for further consideration.

By Senator Royall for the **Appropriations Committee**:

S.B. 1345 (Committee Substitute), a bill to make various changes to the State Personnel Act, with a favorable report.

On motion of Senator Royall, the rules are suspended, and the Committee Substitute bill is placed at the end of today's Calendar, upon third reading.

S.B. 1568 (Committee Substitute), a bill to provide that prisoners incarcerated in the State prison system shall be required to reimburse the State for the cost of their incarceration, with a favorable report.

On motion of Senator Royall, the Committee Substitute bill is re-referred to the **Ways and Means Committee**.

S.B. 455, a bill to amend the law regarding the age of children with special needs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 455** (Committee Substitute), a bill to provide early intervention, developmental services, and education to handicapped children from birth to five years of age, is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 11, for further consideration.

CALENDAR (Continued)

S.B. 1360 (Committee Substitute No. 2), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, to increase certain fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, with Amendment No. 1 pending, upon second reading.

Pursuant to Rule 41.1, Senator Royall, Chairman of the **Appropriations Committee**, calls for the Committee Substitute bill No. 2, with Amendment No. 1 pending, to be taken from the Calendar and re-referred to the **Ways and Means Committee**. With the Chairmen of the **Finance Committee** and the **Ways and Means Committee** assenting, the Chair orders the Committee Substitute bill No. 2, with Amendment No. 1 pending, re-referred to the **Ways and Means Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 2081, a bill to increase the maximum vehicle tax that can be levied in the City of Gastonia from five dollars to fifteen dollars.

On motion of Senator Rauch, the rules are suspended, and the bill is taken from the **Finance Committee** and is placed at the end of today's Calendar, upon second reading.

RECALL FROM THE HOUSE OF REPRESENTATIVES

S.B. 1616, a bill to alter the manner for selecting drainage commissioners and to provide notice prior to assessment.

Senator Basnight offers a motion to the end the bill be recalled from the House of Representatives for further consideration, which motion prevails. The Chair orders a message sent to the House of Representatives requesting the return of the bill.

CALENDAR (Continued)

H.B. 345 (Committee Substitute), a bill to consolidate into one form all absentee ballot application forms and to make other changes in the law affecting absentee ballots.

On motion of Senator Taft, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 1223 (Senate Committee Substitute), a bill to provide additional time for the development of water supply watershed classifications and for the classification of existing water supply watersheds and to delay the development of new sanitary landfills for the disposal of nonhazardous solid waste in water supply watersheds for which a petition for reclassification is pending until the classification of such watersheds is completed.

Senator Daniel offers Amendment No. 1 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second reading (46-0).

Senator Winner objects to the third reading of the measure and the Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, July 11, for further consideration, upon third reading.

S.B. 58 (House Committee Substitute), a bill to provide for the creation of Regional Solid Waste Management Authorities, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sherron, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 184, a bill to make evaluation by the State Building Commission of prior State work a factor affecting the award of contracts for State capital projects, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (47-0), and the bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee**:

S.B. 1393, a bill to make releasing of motor vehicles unlawful, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill, which changes the title to read **S.B. 1393** (Committee Substitute), a bill to regulate motor vehicle subleasing and loan assumption arranging, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 11, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Wilson moves that Rule 40 be suspended to allow the introduction of the following bill filed today pursuant to Resolution 42, which motion prevails by a two-thirds majority vote.

By Senators Wilson, Rauch, and Daughtry:

S.B. 1618, a bill to make releasing of motor vehicles unlawful.

Senator Wilson offers a motion that the bill remain before the Senate for immediate consideration, which motion fails to prevail (21-24).

On motion of Senator Winner, the bill is placed on the Calendar for tomorrow, July 11, for further consideration.

RECALL FROM THE HOUSE OF REPRESENTATIVES

S.B. 1616, a bill to alter the manner for selecting drainage commissioners and to provide notice prior to assessment, recalled from the House of Representatives.

The bill is returned to the Senate from the office of the Principal Clerk of the House of Representatives, pursuant to the motion offered by Senator Basnight earlier today.

Senator Basnight offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails and the question becomes the passage of the bill upon third reading.

Senator Basnight offers a motion that the vote by which the bill passed its second reading be reconsidered, which motion prevails, and the question becomes the passage of the bill upon second reading.

The Chair declares passage of the measure requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 11, for further consideration, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 2160 (Committee Substitute No. 2), a bill to incorporate the Town of Badin, subject to a referendum.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill No. 2 is taken from the **Local Government and Regional Affairs**

Committee and is placed before the Senate for immediate consideration, upon second reading.

Without objection, Senator Johnson of Wake is excused from voting for the stated reason: "Conflict of interest."

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, July 11, for further consideration, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following joint resolution properly enrolled, duly ratified and sent to the office of the Secretary of State:

H.J.R. 2396, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of William T. "Billy" Watkins. (Res. 60)

CALENDAR (Continued)

S.B. 1345 (Committee Substitute), a bill to make various changes to the State Personnel Act, as amended, upon third reading.

Senator Bryan offers Amendment No. 4. Senator Harris offers a motion that Amendment No. 4 do lie upon the table, seconded by Senator Winner, which motion prevails (34-12). Amendment No. 4 lies upon the table.

The Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Plyler moves that Rule 40 be suspended to allow the introduction of the following joint resolution filed today pursuant to Resolution 37, which motion prevails by a two-thirds majority vote.

By Senator Plyler:

S.J.R. 1619, a joint resolution honoring the life and memory of Fred Moore Mills, Jr.

Senator Plyler offers a motion that the sponsors of the identical measure **S.J.R. 1601**, a joint resolution honoring the life and memory of Fred Moore Mills, Jr., be reflected sponsoring **S.J.R. 1619**, which motion prevails.

The following Senators co-sponsor the joint resolution: Senators Allran, Ballance, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner.

On motion of Senator Winner, the joint resolution is placed on the Calendar for Thursday, July 12.

CALENDAR (Continued)

H.B. 2081, a bill to increase the maximum vehicle tax that can be levied in the City of Gastonia from five dollars to fifteen dollars, upon second reading.

Senator Rauch offers Amendment No. 1, held to be material, which is adopted (44-2), constituting the first reading of the measure, which changes the title, upon concurrence, to read, **H.B. 2081**, a bill to provide that the City of Gastonia may, by unanimous vote of the full membership of the City Council, increase the vehicle tax levied in the City from five dollars to no more than fifteen dollars.

The bill, as amended, remains on the Calendar for tomorrow, July 11, for further consideration, upon second reading.

H.B. 1223 (Senate Committee Substitute), a bill to provide additional time for the development of water supply watershed classifications and for the classification of existing water supply watersheds and to delay the development of new sanitary landfills for the disposal of nonhazardous solid waste in water supply watersheds for which a petition for reclassification is pending until the classification of such watersheds is completed, calendared for July 11, as amended, upon third reading.

Senator Winner withdraws his objection to third reading and with unanimous consent, the Senate Committee Substitute bill, as amended, is withdrawn from the Calendar of July 11 and is placed before the Senate for further consideration upon its third reading.

The Senate Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and without objection, on motion of Senator Daniel, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, by special messenger.

On motion of Senator Barnes, seconded by Senator Daughtry, the Senate adjourns at 2:14 P.M. to meet tomorrow, July 11, at 1:00 P.M.

ONE HUNDRED SIXTIETH DAY

SENATE CHAMBER,
Wednesday, July 11, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we admit today that the hectic pace that we live with has allowed us at times to lose sight of You. The pressures of many demands and limited resources have caused each of us much worry and concern. Father, bring then to this Body a sense of Your Presence and Your peace. Remind us that You understand our limits and our frailties; that You know us better than we know ourselves. Help us then to trust You for the strength to do our jobs well, with diligence and thoughtfulness.

"We acknowledge You today as the source of our strength, and The One Who can soothe our spirits in moments of stress. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Martin of Guilford, who is attending the annual Conference of the Education Commission of the States, and to Senator Staton.

On motion of Senator Barnes, Senator Nick Wilson and Senator Alan Gordon, members of the Arkansas State Legislature, who are visiting North Carolina to study the community college system, are granted courtesies of the floor. The Chair appoints Senator Winner and Senator Conder to escort them to the Well of the Senate, where Senator Wilson briefly addresses the membership.

The Chair grants courtesies of the floor to Cathy Field of the Arkansas Legislative Council staff and to Archie Schaffer, Executive Director of the Arkansas Business Council.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 58 (House Committee Substitute), an act to provide for the creation of Regional Solid Waste Management Authorities. (Ch. 888)

S.B. 184, an act to make evaluation by the State Building Commission of prior State work a factor affecting the award of contracts for State capital projects. (Ch. 889)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1679 (Committee Substitute), a bill to provide early intervention, developmental services, and education to handicapped children from birth to five years of age.
Referred to **Appropriations Committee.**

H.B. 2241 (Committee Substitute), a bill revising and consolidating the Charter of Bessemer City.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report re-referred to **Finance Committee.**

H.B. 2142, a bill to establish a performance management and pay advisory committee within each department, agency, and institution to ensure that performance pay increases are made in a fair and equitable manner.
Referred to **State Personnel Committee.**

H.B. 2207 (Committee Substitute), a bill to remove the obsolete sales tax exemption for ice and to add the Vietnam Veterans Memorial Park to the sites maintained by the Department of Transportation.
Referred to **Finance Committee** and upon a favorable report re-referred to **Appropriations Committee.**

S.B. 1426 (House Committee Substitute), a bill to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other

changes in the budget operation of the State, for concurrence in the House Committee Substitute bill. (Pursuant to G.S. 143-15, the text of the attached House 1990-91 Budget Recommendations appears in the Addendum.)

On motion of Senator Barnes, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (0-46).

Senator Royall offers a motion that the Senate do appoint conferees, which motion prevails.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

H.B. 1205 (Committee Substitute), a bill to require the State Board of Cosmetic Art Examiners to issue a temporary employment permit to persons who have applied and are qualified to take the examination for apprentice cosmetologist or registered cosmetologist, and to prohibit the State Board of Cosmetic Art Examiners from imposing continuing education requirements as a condition of certificate and permit renewal, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read, **H.B. 1205** (Senate Committee Substitute), a bill to require the State Board of Cosmetic Art Examiners to issue a temporary employment permit to persons who have applied and are qualified to take the examination for apprentice cosmetologist, registered cosmetologist, or registered manicurist, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 12, for further consideration.

By Senator Barker for the **Marine Resources and Wildlife Committee**:

H.B. 2091, a bill to provide for an age seventy sportsman combination hunting-fishing license, with a favorable report.

On motion for Senator Barker, the bill is re-referred to the **Finance Committee**.

H.B. 2092, a bill to provide for complimentary fishing licenses for residents of rest homes, with a favorable report, as amended.

On motion of Senator Barker, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Barker, the bill, as amended, is re-referred to the **Finance Committee**.

By Senator Rauch for the **Finance Committee**:

S.B. 1448, a bill to allow Cherokee County to establish a county recreation and security service district, and levy a tax in that district for services of the district, subject to a referendum, with a favorable report.

H.B. 899 (Committee Substitute), a bill to allow Randolph County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts, with a favorable report.

H.B. 929, a bill to authorize counties to make special assessments for street lights in residential subdivisions, with a favorable report.

H.B. 2074 (Committee Substitute), a bill to increase the maximum bond that may be required of fuel distributors and suppliers, with a favorable report.

H.B. 2084, a bill to authorize the Village of Bald Head Island to contract for water supply and pressure for fire protection purposes without complying with the bid statutes and to impose special assessments, with a favorable report.

H.B. 2101, a bill to annex certain described territory to the Town of Trent Woods, and providing that the general law on compensation of municipal officers shall apply, with a favorable report.

H.B. 2119, a bill to authorize Davie County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 2193, a bill to allow the Harnett County Board of Commissioners, after public hearing, to extend the boundaries of any voted fire protection district out to five road miles, with a favorable report.

H.B. 2245 (Committee Substitute), a bill to authorize the issuance of not in excess of seventy-five million dollars bonds of the State to provide funds, with any other available funds, for State prison facilities, such authorized bonds to be issued without an election during the biennium ended June 30, 1991, in an amount not in excess of such authorized amount and not in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the 1987-89 biennium, and to raise the prison population cap, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Appropriations Committee**.

H.B. 2287 (Committee Substitute), a bill to authorize a bond referendum on the issuance of two hundred million dollars general obligation bonds of the State, to be voted on by the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities, with a favorable report.

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities, with a favorable report, as amended.

S.B. 928, a bill to establish regulatory fees for public utilities to defray the cost to the Utilities Commission and the public staff of regulating public utilities in the interest of the public, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 928** (Committee Substitute), a bill to set the percentage rate of the regulatory fee to be paid by public utilities during the 1990-91 fiscal year at the rate that was in effect for the 1989-90 fiscal year, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 12, for further consideration.

S.B. 1084, a bill to set fees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 1084** (Committee Substitute), a bill to

conform the laws of North Carolina to the requirements of certain federal laws and constitutional principles, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 12, for further consideration.

S.B. 1403, a bill to provide that certain tourism development authorities may apply to receive refunds of sales taxes paid on purchases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for tomorrow, July 12, for further consideration.

S.B. 1527, a bill to provide revenue amendments for the City of Gastonia and Gaston and Mecklenburg Counties, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 1527** (Committee Substitute), a bill to provide refunds of Charlotte/Mecklenburg meals tax paid by certain nonprofit and governmental entities on purchases eligible for sales tax refunds, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 12, for further consideration.

By Senator Goldston for the **Transportation Committee**:

H.B. 1152, a bill to provide semipermanent registration plates for members of volunteer fire departments and rescue squads, with a favorable report.

On motion of Senator Goldston, the bill is re-referred to the **Finance Committee**.

S.B. 465 (House Committee Substitute), a bill to clarify the Motor Vehicle Salvage Title Law and to require certain damage disclosures, with an unfavorable report as to concurrence.

On motion of Senator Goldston, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (2-42).

Senator Goldston offers a motion that the Senate do appoint conferees, which motion prevails.

H.B. 2227 (Committee Substitute), a bill to provide for acquisition of right-of-way by the Department of Transportation for location and relocation of utility infrastructure, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read, **H.B. 2227** (Senate Committee Substitute), a bill to provide for acquisition of right-of-way by the Department of Transportation for location and relocation of utility infrastructure and to clarify the regulatory authority of the Utilities Commission with regard to natural gas, is placed before the Senate for immediate consideration.

On motion of Senator Goldston, the Senate Committee Substitute bill is adopted.

Without objection, on motion of Senator Goldston the Senate Committee Substitute bill remains before the Senate for immediate consideration, upon its passage.

The Chair rules the Senate Committee Substitute bill requires a call of the roll.

Senator Goldston offers a motion that the vote by which the Senate Committee Substitute bill remains before the Senate for immediate consideration be reconsidered, which motion prevails.

The adoption of the Senate Committee Substitute bill, which is held to be material, constitutes the first reading of the measure and the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 12, for further consideration, upon second reading.

RECALL FROM THE HOUSE OF REPRESENTATIVES

H.B. 2278, a bill to modify the school funding procedures for Robeson County and to appoint members of the Board of Education for the public schools of Robeson County, as amended.

Senator Parnell offers a motion to recall the bill, as amended, ordered sent to the House of Representatives on July 2 by order of the Chair, for further consideration. The bill, as amended, is presented to the Senate from the Senate Principal Clerk's Office not having been delivered to the House of Representatives.

Senator Parnell offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the bill, as amended, on its third reading.

Senator Parnell offers a motion that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails, and the question becomes the passage of the bill, as amended, on its second reading.

Senator Parnell offers a motion that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails, which changes the title to read, **H.B. 2278**, a bill to modify the school funding procedures for Robeson County.

The question becomes the adoption of Committee Amendment No. 1.

On motion of Senator Parnell, the bill, with Amendment No. 1 pending, is recommitted to the **Education Committee**.

REPORTS OF COMMITTEES (Continued)

By Senator Sherron for the **State Government Committee**:

H.B. 285, a bill to make evaluation by the State Building Commission of prior State work a factor affecting the award of contracts for State capital projects, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read, **H.B. 285** (Senate Committee Substitute), a bill to make technical corrections to the Fire Sprinkler Contractor Licensing Act, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 12, for further consideration.

H.B. 685, a bill to change the name of the North Carolina Human Relations Council to the North Carolina Human Relations Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read, **H.B. 685** (Senate Committee Substitute), a bill to change the name of the North Carolina Human Relations Council to the North Carolina Human Relations Commission and to amend the Fair Housing Act to conform to federal requirements regarding fair housing laws and enforcement, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 12, for further consideration.

APPOINTMENT OF CONFERENCE COMMITTEE

The motion of Senator Goldston, prevailing earlier today on **S.B. 465** (House Committee Substitute), a bill to clarify the Motor Vehicle Salvage Title Law and to require certain damage disclosures, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Goldston (Chairman), Plyler and Smith as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

REPORTS OF COMMITTEES (Continued)

By Senator Parnell for the **Insurance Committee:**

H.B. 2401, a bill to repeal the sunset on the limitation on insurance required on waterslides, with a favorable report.

By Senator Sands for the **Local Government and Regional Affairs Committee:**

S.B. 1431, a bill relating to Cabarrus Memorial Hospital, with a favorable report.
On motion of Senator Johnson of Cabarrus, the rules are suspended and the bill is placed before the Senate for immediate consideration.
The bill passes its second (44-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1486, a bill to provide that the Pender County Board of Education shall take office on the first day of July following its election, with a favorable report.

H.B. 2099, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue Pender County weapon permits, with a favorable report.

H.B. 2112, a bill to allow Pender County to name and assign street numbers to private roads in unincorporated areas, with a favorable report.

H.B. 2152, a bill to authorize the City of Greenville to increase the number of Parking Authority Commissioners, with a favorable report.

H.B. 2262, a bill to allow the Town of Richfield to be included within a rural fire protection district, with a favorable report.

H.B. 2268, a bill to remove a described area from the corporate limits of the Town of Elm City, with a favorable report.

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to impose a minimum fee under that local act or to convert the district to a rural fire protection district, with a favorable report.
On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

H.B. 1297, a bill to provide for a procedure when the complete rezoning of a jurisdiction involves "down zoning", with a favorable report, as amended.

H.B. 2094, a bill to confirm the corporate limits and to ratify actions of the Board of Aldermen of the City of Bakersville, with a favorable report, as amended.

H.B. 2132, a bill to allow the Town of Kernersville to dispose of certain real property by private negotiation and sale, with a favorable report, as amended.

H.B. 2197, a bill to increase the membership of the Town of Long Beach Alcoholic Beverage Control Commission from a chairman and two members to a chairman and four members, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended and the Senate Committee Substitute, which changes the title, upon concurrence, to read, **H.B. 2197** (Senate Committee Substitute), a bill to repeal an annexation of the Town of Leland, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 12, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 2160 (Committee Substitute No. 2), a bill to incorporate the Town of Badin, subject to a referendum, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Sherron, Smith, Speed, Swain, Tally, Walker, Wilson, and Winner—38.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled.

H.B. 2081, a bill to provide that the City of Gastonia may, by unanimous vote of the full membership of the City Council, increase the vehicle tax levied in the City from five dollars to no more than fifteen dollars, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Swain, Taft, Tally, Walker, and Winner—43.

Voting in the negative: Senator Royall—1.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 12, for further consideration, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 1404 (House Committee Substitute), a bill to require consent of the Harnett, Haywood, Henderson, Jackson, Lee, Madison, Rockingham, Stokes, Swain, and Union County Boards of Commissioners before land in those Counties may be condemned or acquired by a unit of local government outside the County.

On motion of Senator Sands, the rules are suspended, and the House Committee Substitute bill is taken from the **Local Government and Regional Affairs**

Committee and is placed before the Senate for immediate consideration, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (6-40).

Senator Sands offers a motion that the Senate do appoint conferrees, which motion prevails.

H.B. 2288 (Committee Substitute), a bill to provide that both felons and misdemeanants shall be eligible for intensive probation and parole.

On motion of Senator Swain, the rules are suspended, and the Committee Substitute bill is taken from the **Judiciary I Committee** and is placed on the Calendar for tomorrow, July 12.

CALENDAR (Continued)

S.B. 1616, a bill to alter the manner for selecting drainage commissioners and to provide notice prior to assessment, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Walker, Wilson, and Winner—44.

Voting in the negative: None.

Without objection, the Chair orders the bill sent to the House of Representatives by special messenger.

S.B. 455 (Committee Substitute), a bill to provide early intervention, developmental services, and education to handicapped children from birth to five years of age.

Senator Chalk offers Amendment No. 1 which fails of adoption (11-32).

Senator Simpson offers Amendment No. 2. Senator Kaplan offers a motion that Amendment No. 2 do lie upon the table, seconded by Senator Marvin, which motion prevails (30-17). Amendment No. 2 lies upon the table.

The Committee Substitute bill passes its second reading (44-2).

Senator Marvin objects to the third reading of the measure and the Committee Substitute bill remains on the Calendar for tomorrow, July 12, for further consideration, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 2403, a bill to extend to two years the time period for which victims ten years old or younger may receive compensation for economic loss from the Victims Compensation Fund.

On motion of Senator Basnight, the rules are suspended, and the bill is taken from the **Judiciary I Committee** and is placed before the Senate for immediate consideration.

Without objection, Senator Ballance is excused from voting on the bill for the stated reason: "My law firm is involved in a case which this bill affects."

The bill passes its second (45-0) and third readings and is ordered enrolled.

WITHDRAWAL FROM CLERK'S OFFICE

Senator Winner offers a motion that **H.B. 2350**, a bill to conform the Social Service Statutes with the Federal Job Opportunities and Basic Skills Training Program and

to preserve State funds, ordered held as filed in the Office of the Principal Clerk on July 9, 1990, pursuant to Resolution 34, be taken from the Clerk's Office and presented to the Senate, which motion prevails. The bill is presented to the Senate, read the first time and on motion of Senator Winner is referred to the **Human Resources Committee.**

APPOINTMENT OF CONFERENCE COMMITTEE

The motion of Senator Sands, prevailing earlier today on **S.B. 1404** (House Committee Substitute), a bill to require consent of the Harnett, Haywood, Henderson, Jackson, Lee, Madison, Rockingham, Stokes, Swain, and Union County Boards of Commissioners before land in those Counties may be condemned or acquired by a unit of local government outside the County, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Sands (Chairman), Odom, Block, Winner, and Wilson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

S.B. 1393 (Committee Substitute), a bill to regulate motor vehicle subleasing and loan assumption arranging.

Without objection, on motion of Senator Soles the Committee Substitute bill is temporarily displaced.

S.B. 1618, a bill to make releasing of motor vehicles unlawful.

Without objection, on motion of Senator Soles, the bill is taken up out of its regular order of business.

Senator Ezzell offers Amendment No. 1.

Without objection, on motion of Senator Ezzell, the bill is temporarily displaced, with Amendment No. 1 pending.

S.B. 1416 (Committee Substitute), a bill to appoint persons to various boards and commissions upon the recommendation of the President of the Senate.

The Committee Substitute bill passes its second (47-0) and third readings and the Chair orders the bill, without objection, sent to the House of Representatives by special messenger.

S.J.R. 1438, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly.

The joint resolution passes its second (47-0) and third readings and is ordered, on motion of Senator Soles, without objection, sent to the House of Representatives by special messenger.

S.J.R. 1611, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require resident inspectors at commercial hazardous waste facilities.

Without objection, on motion of Senator Royall, the joint resolution is temporarily displaced.

S.J.R. 1614, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that the probationary time between an interlocutory decree and final adoption order may be the same for private adoptions as those arranged by social services or a licensed child-placing agency.

The joint resolution passes its second (46-0) and third readings and the Chair orders the joint resolution, without objection, sent to the House of Representatives by special messenger.

H.B. 351, a bill to provide that legislators' economic interest statements will be available in a central place.

The bill passes its second reading (41-2).

Without objection, the bill remains before the Senate for consideration upon third reading. Subsequently, on motion of Senator Ballance the bill is temporarily displaced.

S.B. 1618, a bill to make releasing of motor vehicles unlawful, temporarily displaced earlier, with Amendment No. 1 pending.

Amendment No. 1, offered by Senator Ezzell, is adopted (47-0).

The bill, as amended, passes its second reading (46-1).

Senator Barker objects to the third reading of the measure, and the Chair orders the bill, as amended, placed on the Calendar for tomorrow, July 12, for further consideration, upon third reading.

S.J.R. 1611, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require resident inspectors at commercial hazardous waste facilities, temporarily displaced earlier.

The joint resolution passes its second (46-0) and third readings and is ordered, on motion of Senator Royall, without objection, sent to the House of Representatives by special messenger.

S.B. 1393 (Committee Substitute), a bill to regulate motor vehicle subleasing and loan assumption arranging, temporarily displaced earlier.

On motion of Senator Soles, further consideration of the Committee Substitute bill is postponed until tomorrow, July 12.

H.B. 351, a bill to provide that legislators' economic interest statements will be available in a central place, temporarily displaced earlier, upon third reading.

The bill passes its third reading (45-0) and is ordered enrolled.

H.B. 1028 (Committee Substitute), a bill to revise the election of presidential electors.

Senator Bryan offers Amendment No. 1. Senator Taft offers a motion that Amendment No. 1 do lie upon the table, seconded by Senator Kaplan, which motion prevails (33-12). Amendment No. 1 lies upon the table.

Pursuant to Rule 42.1, Senator Kincaid, Vice-Chairman of the **Appropriations Committee** requests a fiscal note. The Chair orders the Committee Substitute bill placed on the Calendar for Friday, July 13, for receipt of a fiscal note.

Senator Taft offers a motion that the rules be suspended to place the Committee Substitute bill on the Calendar for tomorrow, July 12, if the fiscal note is received, which motion prevails (34-12). The Chair orders the Committee Substitute bill placed on the Calendar for tomorrow, July 12, for receipt of a fiscal note.

H.J.R. 2024, a joint resolution honoring the life and memory of Elisha Mitchell on the Seventy-Fifth Anniversary of Mount Mitchell State Park and commemorating the establishment of the first State Park in North Carolina.

The joint resolution passes its second (43-0) and third readings and is ordered enrolled.

S.B. 1618, a bill to make releasing of motor vehicles unlawful, as amended, upon third reading.

Senator Barker withdraws his objection to third reading and with unanimous consent, the bill, as amended, is withdrawn from the Calendar of July 12, and is placed before the Senate for further consideration upon its third reading.

The bill, as amended, passes its third reading (39-1) and, without objection, on motion of Senator Wilson, is ordered engrossed and sent to the House of Representatives by special messenger.

WITHDRAWAL FROM COMMITTEE

H.B. 2091, a bill to provide for an age seventy sportsman combination hunting-fishing license.

On motion of Senator Barker, the rules are suspended, and the bill is taken from the **Finance Committee** and is placed on the Calendar for tomorrow, July 12.

H.B. 2092, a bill to provide for complimentary fishing licenses for residents of rest homes.

On motion of Senator Barker, the rules are suspended, and the bill is taken from the **Finance Committee** and is placed on the Calendar for tomorrow, July 12.

Without objection, on motion of Senator Barnes, the Senate stands in recess for fifteen minutes for the purpose of an **Appropriations Committee** meeting.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 465
(House Committee Substitute)

House of Representatives
July 11, 1990

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to SB. No. 465, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE SALVAGE TITLE LAW AND TO REQUIRE CERTAIN DAMAGE DISCLOSURES, the Speaker has appointed as conferees on the part of the House Representatives Weatherly, Cooper and Hackney to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

WITHDRAWAL FROM COMMITTEE

S.B. 1447 (Committee Substitute), a bill to suspend the operation of an annexation ordinance of the Town of Andrews.

Senator Hardin offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Finance Committee** and placed on the Calendar for tomorrow, July 12, for consideration which motion fails to prevail (15-18).

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

H.B. 2245 (Committee Substitute), a bill to authorize the issuance of not in excess of seventy-five million dollars bonds of the State to provide funds, with any other available funds, for State prison facilities, such authorized bonds to be issued without an election during the biennium ended June 30, 1991, in an amount not in excess of such authorized amount and not in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the 1987-89 biennium, and to raise the prison population cap, with a favorable report.

By Senator Rauch for the **Finance Committee**:

S.B. 1388, a bill to restructure the budget process so as to assure more stable budgeting, by providing for use of the prior calendar year's collections as the revenue estimates, limiting use of reversions to one-time expenditures, providing for annual budgets, and streamlining the legislative process as a result, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S.B. 1388** (Committee Substitute), a bill to provide for annual budgets, streamline the legislative process, and study a restructuring of the budget process so as to assure more stable budgeting, by providing for use of the prior calendar year's collections as the revenue estimates, rescheduling the primary and other election-law dates, limiting use of reversions to one-time expenditures, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration.

Pursuant to Rule 42, Senator Royall, Chairman of the **Appropriations Committee** calls for referral of the Committee Substitute bill to the **Appropriations Committee**. The Chair orders the bill re-referred to the **Appropriations Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

The motion of Senator Royall, prevailing earlier today on **S.B. 1426** (House Committee Substitute), a bill to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other changes in the budget operation of the State, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Royall (Chairman), Basnight, Walker, Marvin, Martin of Pitt, Rauch, Plyler, Hunt of Durham, Conder, Goldston, Kincaid, and Chalk as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Barnes, seconded by Senator Taft, the Senate adjourns at 4:15 P.M. to meet tomorrow, July 12, at 1:00 P.M.

ONE HUNDRED SIXTY-FIRST DAY

SENATE CHAMBER,
Thursday, July 12, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we are grateful today for those analogies and sayings that are passed along that help us understand life more fully and with greater depth. One such analogy comes to mind this afternoon, diamonds are created under pressure. While pressure and stress at times feel uncomfortable, remind us that the rewards from meeting a stressful challenge are always worth the effort.

"Help us, also, Father, to understand that the word diamond refers not only to the finished product, in this case laws and programs, but also refers to the people involved in the process.

"For the way in which these legislative challenges refine us as individuals and broaden our vision of the needs of our fellow North Carolinians, we thank You. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Ballance, who is attending the funeral of his father-in-law; to Senator Johnson of Cabarrus, whose attendance is required in court; and to Senator Staton and Senator Martin of Guilford.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 351, an act to provide that legislators' economic interest statements will be available in a central place. (Ch. 890)

H.B. 1147 (Senate Committee Substitute No. 2), an act to clarify that a joint tenancy with right of survivorship may be created if the right of survivorship is expressly provided for in the instrument creating the joint tenancy. (Ch. 891)

H.B. 1427 (Senate Committee Substitute), an act to modify per diem and officer salary authorization for the Board of Dental Examiners. (Ch. 892)

H.B. 2079, an act to increase the maximum vehicle tax that can be levied in the Town of Ahoskie from five dollars to ten dollars. (Ch. 893)

H.B. 2160 (Committee Substitute No. 2), an act to incorporate the Town of Badin, subject to a referendum. (Ch. 894)

H.B. 2170, an act to revise and consolidate the Charter of the Town of Chadbourn. (Ch. 895)

H.B. 2171, an act to amend the Charter of the City of Greensboro with respect to recall petitions and with respect to voting requirements on appropriating funds from the General Fund balance of the City of Greensboro. (Ch. 896)

H.B. 2184, an act to provide for the registration of land in Warren County and to require any person hunting or possessing a firearm or bow and arrow that is readily available for use to secure an entry permit before entering or remaining on registered land or remaining on abutting portions of highway. (Ch. 897)

H.B. 2403, an act to extend to two years the time period for which victims ten years old or younger may receive compensation for economic loss from the Victims Compensation Fund. (Ch. 898)

S.J.R. 1438, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly. (Res. 61)

S.J.R. 1604, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide the rules and procedures for municipal redistricting in 1991. (Res. 62)

S.J.R. 1614, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that the probationary time between an interlocutory decree and final adoption order may be the same for private adoptions as those arranged by social services or a licensed child-placing agency. (Res. 63)

H.J.R. 2024, a joint resolution honoring the life and memory of Elisha Mitchell on the Seventy-Fifth Anniversary of Mount Mitchell State Park and commemorating the establishment of the first State Park in North Carolina. (Res. 64)

The Chair announces that, without objection, all bills and resolutions ordered sent to the House of Representatives today shall be sent by special messenger.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Block for the **Pensions and Retirement Committee**:

H.B. 2041, a bill to amend the law regarding the Cary Local Supplemental Retirement Benefit Fund, with a favorable report.

H.B. 2168 (Committee Substitute), a bill to regulate the use to which the excess proceeds of the Windsor Firemen's Local Relief Fund may be put, with a favorable report.

H.B. 2189, a bill to increase the amount that can be received in benefits from the Lexington Firemen's Supplemental Retirement Fund, with a favorable report.

H.B. 2267, a bill to expand the eligibility for membership in the Supplemental Retirement Income Plan to employees of certain local governments and make technical corrections, with a favorable report.

S.B. 1598, a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, and to provide a cost-of-living increase to retirees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Block, the rules are suspended and the Committee Substitute bill which changes the title to read, **S.B. 1598** (Committee Substitute), a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, and to provide an increase to retirees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, is placed before the Senate for immediate consideration.

On motion of Senator Block, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Royall for the **Appropriations Committee**:

S.B. 1525, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, with a favorable report.

S.B. 1526, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, with a favorable report.

S.B. 1388 (Committee Substitute), a bill to provide for annual budgets, streamline the legislative process, and study a restructuring of the budget process so as to assure more stable budgeting, by providing for use of the prior calendar year's collections as the revenue estimates, rescheduling the primary and other election-law dates, limiting use of reversions to one-time expenditures, with a favorable report, as amended.

On motion of Senator Goldston, the rules are suspended and the Committee Substitute bill is placed at the end of today's Calendar, for consideration.

S.B. 1570, a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill with Amendment No. 1, not engrossed.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill with Amendment No. 1, which changes the title to read, **S.B. 1570** (Committee Substitute), a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina and to require the creation and enhancement of a program of public service and technical assistance to the public schools, is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Committee Substitute bill with Amendment No. 1 is adopted, and on his further motion is placed on the Calendar for tomorrow, July 13, for further consideration.

By Senator Johnson of Wake for the **Judiciary III Committee**:

H.B. 2269 (Committee Substitute), a bill to allow a Superior Court Judge to enter judgment in a caveat proceeding in accordance with a settlement agreement entered into by the parties, either sustaining or setting aside the will, with a favorable report.

WITHDRAWAL FROM COMMITTEE

S.B. 1567, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, to appropriate additional funds to assure that the facility is properly sized, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes.

On motion of Senator Royall, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES (Continued)

By Senator Plyler for the **Ways and Means Committee**:

H.J.R. 447, a joint resolution opposing the use of motor fuel tax for reduction of the federal deficit, with a favorable report.

Senator Plyler offers a motion to suspend the rules and place the measure before the Senate for immediate consideration, which motion he subsequently withdraws.

With unanimous consent, Senator Plyler withdraws the Committee Report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1426
(House Committee Substitute)

House of Representatives
July 11, 1990

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to **SB. No. 1426**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1990-91 FISCAL YEAR AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, the Speaker has appointed as conferees on the part of the House, Representatives Diamont, Beard, Holmes, G. Wilson, J. W. Crawford, Tart, Easterling, Fitch, McLaughlin, Woodard, Gardner, Stam, Huffman, Justus, DeVane, Wood and Redwine, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1241

House of Representatives
July 11, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **HB. No. 1241**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUS OF A MILITARY DEPENDENT ELIGIBLE FOR IN-STATE TUITION AT THE UNIVERSITY OF NORTH CAROLINA, and requests conferees. The Speaker has appointed Representatives B. Ethridge, Hurley, Chapin, Cunningham and Privette on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1337
(House Committee Substitute)

House of Representatives
July 11, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body respectfully requesting the return of House Committee Substitute for **SB 1337**, "A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AND TO THE SESSION LAWS AND FOR OTHER PURPOSES", for further consideration by the House of Representatives.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Further special messages are received from the House of Representatives, as follows:

H.B. 2284 (Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy.
Referred to **Judiciary I Committee.**

H.B. 2335 (Committee Substitute), a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina and to require the creation and enhancement of a program of public service and technical assistance to the public schools.
Referred to **Appropriations Committee.**
On motion of Senator Royall, the rules are suspended, and the House Committee Substitute bill is taken from the **Appropriations Committee** and is placed on the Calendar for tomorrow, July 13, immediately preceding identical measure **S.B. 1570**, for consideration.

H.B. 2391 (Committee Substitute), a bill to increase the maximum fine for parking in a handicapped parking space and to require signs designating handicapped parking spaces to state the penalty for parking in the space in violation of the law.
Referred to **Constitution Committee.**

H.B. 2398 (Committee Substitute), a bill to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science.
Referred to **Finance Committee.**

S.B. 1421 (House Committee Substitute), a bill to amend the law relating to the Raleigh Firemen's Supplemental Retirement Fund, for concurrence in the House Committee Substitute bill.
Recomitted to **Pensions and Retirement Committee.**

S.B. 1463 (House Committee Substitute), a bill to amend the law relating to the Firemen's Pension and Disability Fund in the City of High Point, for concurrence in the House Committee Substitute bill.
Recommitted to **Pensions and Retirement Committee.**

S.B. 1509, a bill to authorize water column leases for aquaculture within recognized shellfish franchises, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1509** (House Committee Substitute), a bill to authorize water column leases for aquaculture within recognized shellfish franchises and to delay action to terminate shellfish cultivation leases for one year.

The Chair orders the House Committee Substitute bill placed on the Calendar for tomorrow, July 13, upon concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1404
(House Committee Substitute)

House of Representatives
July 11, 1990

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to **SB. No. 1404**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSENT OF THE HARNETT, HAYWOOD, HENDERSON, JACKSON, LEE, MADISON, ROCKINGHAM, STOKES, SWAIN, AND UNION COUNTY BOARDS OF COMMISSIONERS BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, the Speaker has appointed as conferees on the part of the House, Representatives Dawkins, Justus, Ramsey, Loflin and P. Wilson, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

S.B. 1543, a bill to clarify the authority of local school boards to select supplemental instructional material, to clarify requirements concerning the development of differentiated pay plans, and to appropriate funds for the implementation of differentiated pay plans, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill which changes the title to read, **S.B. 1543** (Committee Substitute), a bill relating to the funding and operation of the Drivers Education Program, is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for tomorrow, July 13, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 2081, a bill to provide that the City of Gastonia may, by unanimous vote of the full membership of the City Council, increase the vehicle tax levied in the City from five dollars to no more than fifteen dollars, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Wilson, and Winner—41.

Voting in the negative: Senator Royall—1.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1448, a bill to allow Cherokee County to establish a county recreation and security service district, and levy a tax in that district for services of the district, subject to a referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Wilson, and Winner—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

S.B. 1527 (Committee Substitute), a bill to provide refunds of Charlotte/Mecklenburg meals tax paid by certain nonprofit and governmental entities on purchases eligible for sales tax refunds, upon second reading.

The Chair rules the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 899 (Committee Substitute), a bill to allow Randolph County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—40.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2084, a bill to authorize the Village of Bald Head Island to contract for water supply and pressure for fire protection purposes without complying with the bid statutes and to impose special assessments, upon second reading.

The bill passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Murphy, Odom, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Taft, Walker, Wilson, and Winner—34.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2094, a bill to confirm the corporate limits and to ratify actions of the Board of Aldermen of the City of Bakersville, upon second reading.

On motion of Senator Sands, Committee Amendment No. 1 is adopted changing the title, upon concurrence, to read **H.B. 2094**, a bill to confirm the corporate limits of the City of Bakersville.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—41.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2101, a bill to annex certain described territory to the Town of Trent Woods, and providing that the general law on compensation of municipal officers shall apply, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Speed, Tally, Walker, Wilson, and Winner—38.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2119, a bill to authorize Davie County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2193, a bill to allow the Harnett County Board of Commissioners, after public hearing, to extend the boundaries of any voted fire protection district out to five road miles, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—38.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2262, a bill to allow the Town of Richfield to be included within a rural fire protection district, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Taft, Tally, Walker, Wilson, and Winner—40.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2268, a bill to remove a described area from the corporate limits of the Town of Elm City, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

S.B. 1486, a bill to provide that the Pender County Board of Education shall take office on the first day of July following its election.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 2099, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue Pender County weapon permits.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2112, a bill to allow Pender County to name and assign street numbers to private roads in unincorporated areas.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2132, a bill to allow the Town of Kernersville to dispose of certain real property by private negotiation and sale.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H.B. 2152, a bill to authorize the City of Greenville to increase the number of Parking Authority Commissioners.

The bill passes its second and third readings and is ordered enrolled.

S.J.R. 1619, a joint resolution honoring the life and memory of Fred Moore Mills, Jr.

Without objection, on motion of Senator Plyler, the joint resolution is taken up out of its regular order of business.

The Chair orders the joint resolution read in its entirety, and extends courtesies of the gallery to the family and friends of former Senator Mills.

The joint resolution passes its second (44-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 2197 (Senate Committee Substitute), a bill to repeal an annexation of the Town of Leland.

The Chair rules the Senate Committee Substitute bill requires a call of the roll.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Sands, Shaw, Sherron, Smith, Speed, Swain, Taft, Tally, Walker, Wilson, and Winner—40.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 929, a bill to authorize counties to make special assessments for street lights in residential subdivisions, upon second reading.

The bill passes its second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Marvin, Murphy, Odom, Parnell, Rauch, Richardson, Royall, Sands, Shaw, Simpson, Speed, Taft, Tally, Walker, Wilson, and Winner—33.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2227 (Senate Committee Substitute), a bill to provide for acquisition of right-of-way by the Department of Transportation for location and relocation of utility infrastructure and to clarify the regulatory authority of the Utilities Commission with regard to natural gas, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Marvin, Murphy, Odom, Parnell, Rauch, Richardson, Royall, Sands, Shaw, Simpson, Smith, Speed, Swain, Taft, Tally, Walker, Wilson, and Winner—39.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

WITHDRAWALS FROM COMMITTEE

S.B. 1337 (House Committee Substitute), a bill to make various technical amendments to the General Statutes and to the Session Laws and for other purposes.

On motion of Senator Ezzell, the rules are suspended, and the House Committee Substitute bill is taken from the **Constitution Committee** and pursuant to the special message received earlier today requesting its return to the House of

Representatives, Senator Ezzell offers a motion to comply, which motion prevails. The Chair orders the measure returned to the House of Representatives for further consideration.

S.B. 1421 (House Committee Substitute), a bill to amend the law relating to the Raleigh Firemen's Supplemental Retirement Fund.

On motion of Senator Block, the rules are suspended, and the House Committee Substitute bill is taken from the **Pensions and Retirement Committee** and is placed on the Calendar for tomorrow, July 13, for consideration upon concurrence.

S.B. 1463 (House Committee Substitute), a bill to amend the law relating to the Firemen's Pension and Disability Fund in the City of High Point.

On motion of Senator Block, the rules are suspended, and the House Committee Substitute bill is taken from the **Pensions and Retirement Committee** and is placed on the Calendar for tomorrow, July 13, for consideration upon concurrence.

H.B. 2280, a bill to allow Dare County to establish a special leash law district, apply a leash law within that district, and levy a tax in that district for enforcement of the leash law.

On motion of Senator Sands, the rules are suspended, and the bill is taken from the **Local Government and Regional Affairs Committee** and is recommitted to the **Finance Committee**.

CALENDAR (Continued)

H.B. 2245 (Committee Substitute), a bill to authorize the issuance of not in excess of seventy-five million dollars bonds of the State to provide funds, with any other available funds, for State prison facilities, such authorized bonds to be issued without an election during the biennium ended June 30, 1991, in an amount not in excess of such authorized amount and not in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the 1987-89 biennium, and to raise the prison population cap, upon second reading.

Without objection, Senator Johnson of Wake requests to be excused from voting for the stated reason: "an employee of my firm has been employed to lobby these bills."

Senator Parnell offers Amendment No. 1, held to be material, which is adopted (40-0), constituting the first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon second reading.

H.B. 2287 (Committee Substitute), a bill to authorize a bond referendum on the issuance of two hundred million dollars general obligation bonds of the State, to be voted on by the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities, upon second reading.

Without objection, on motion of Senator Parnell, the Committee Substitute bill is temporarily displaced.

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

Without objection, on motion of Senator Rauch the bill, as amended, is temporarily displaced.

S.B. 928 (Committee Substitute), a bill to set the percentage rate of the regulatory fee to be paid by public utilities during the 1990-91 fiscal year at the rate that was in effect for the 1989-90 fiscal year.

Without objection, on motion of Senator Rauch, the Committee Substitute bill is temporarily displaced.

S.B. 1084 (Committee Substitute), a bill to conform the laws of North Carolina to the requirements of certain federal laws and constitutional principles.

The Chair rules the bill requires a call of the roll.

Without objection, on motion of Senator Rauch, the Committee Substitute bill is temporarily displaced.

H.B. 2287 (Committee Substitute), a bill to authorize a bond referendum on the issuance of two hundred million dollars general obligation bonds of the State, to be voted on by the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities, temporarily displaced earlier, upon second reading.

Without objection, Senator Johnson of Wake requests to be excused from voting for the stated reason: "an employee of my firm has been employed to lobby these bills."

Senator Parnell offers Amendment No. 1 which is adopted (39-0).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Swain, Taft, Tally, Walker, Wilson, and Winner—39.

Voting in the negative: Senator Richardson—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

S.B. 1427, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill which proposes to change the title to read, **S.B. 1427** (Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies and to make other changes in the budget operation of the State, is placed before the Senate for immediate consideration.

Senator Winner rises to a point of order, pursuant to Rule 42.4 and Rule 57.2, as to the germaneness of the content relative to school boards in the proposed Committee Substitute bill.

The Chair takes the point of order under advisement and places the proposed Committee Substitute bill on the Calendar for tomorrow, July 13, for adoption.

CALENDAR (Continued)

S.B. 1393 (Committee Substitute), a bill to regulate motor vehicle subleasing and loan assumption arranging.

On motion of Senator Wilson, the Committee Substitute bill is recommitted to the **Judiciary II Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Taft offers a motion that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, filed today pursuant to Resolution 62, which motion prevails by a two-thirds majority vote.

By Senator Taft:

S.B. 1620, a bill to provide the rules and procedure for municipal redistricting in 1991.

Referred to **Election Laws Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **State Government Committee**:

H.B. 2263 (Committee Substitute), a bill to require reporting to the Department of Administration of participation by disadvantaged businesses in public procurement contracts and to require the Department to collect, compile, and report the data, and to clarify the public bidding law for single-prime and separate-prime competitive bids, with a favorable report, as amended.

By Senator Plyler for the **Ways and Means Committee**:

S.B. 1360 (Committee Substitute No. 2), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, to increase certain fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, with a favorable report.

Without objection, Senator Plyler withdraws the Committee Report.

CALENDAR (Continued)

S.B. 1403 (Committee Substitute), a bill to provide that certain tourism development authorities may apply to receive refunds of sales taxes paid on purchases.

The Committee Substitute bill passes its second (40-1) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 285 (Senate Committee Substitute), a bill to make technical corrections to the Fire Sprinkler Contractor Licensing Act.

The Senate Committee Substitute bill passes its second (38-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 685 (Senate Committee Substitute), a bill to change the name of the North Carolina Human Relations Council to the North Carolina Human Relations Commission and to amend the Fair Housing Act to conform to federal requirements regarding fair housing laws and enforcement.

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1028 (Committee Substitute), a bill to revise the election of presidential electors.

On motion of Senator Taft, consideration of the Committee Substitute bill is postponed until tomorrow, July 13.

H.B. 1205 (Senate Committee Substitute), a bill to require the State Board of Cosmetic Art Examiners to issue a temporary employment permit to persons who have applied and are qualified to take the examination for apprentice cosmetologist, registered cosmetologist, or registered manicurist.

The Senate Committee Substitute bill passes its second (37-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1297, a bill to provide for a procedure when the complete rezoning of a jurisdiction involves "down zoning."

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

Without objection, on motion of Senator Sands, the bill, as amended, is temporarily displaced.

H.B. 2074 (Committee Substitute), a bill to increase the maximum bond that may be required of fuel distributors and suppliers.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered enrolled.

H.B. 1297, a bill to provide for a procedure when the complete rezoning of a jurisdiction involves "down zoning", as amended, temporarily displaced earlier.

The bill, as amended, passes its second (38-1) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 2091, a bill to provide for an age seventy sportsman combination hunting-fishing license.

The bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 2092, a bill to provide for complimentary fishing licenses for residents of rest homes, as amended.

The bill, as amended, passes its second (38-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 2288 (Committee Substitute), a bill to provide that both felons and misdemeanants shall be eligible for intensive probation and parole.

The Committee Substitute bill passes its second reading (39-1).

Senator Sands objects to the third reading of the measure and the Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

S.B. 928 (Committee Substitute), a bill to set the percentage rate of the regulatory fee to be paid by public utilities during the 1990-91 fiscal year at the rate that was in effect for the 1989-90 fiscal year, temporarily displaced earlier.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

CONFERENCE REPORT WITHDRAWN

H.B. 204 (Senate Committee Substitute), a bill to enhance and promote access to government proceedings in North Carolina.

Senator Sands offers a motion to reconsider the vote by which the Conference Report was adopted on August 12, 1989, which motion prevails. With unanimous consent, Senator Sands withdraws the Conference Report.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Soles offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution filed today pursuant to Resolution 61 which motion prevails by a two-thirds majority vote.

By Senator Soles:

S.J.R. 1621, a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly.

On motion of Senator Soles, the rules are suspended, and the joint resolution is read a first time and, without objection, remains before the Senate for immediate consideration.

On motion of Senator Soles, the joint resolution is temporarily displaced.

WITHDRAWAL FROM COMMITTEE

H.B. 2067 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is taken from the **Ways and Means Committee** and is re-referred to the **Finance Committee.**

CALENDAR (Continued)

H.B. 2401, a bill to repeal the sunset on the limitation on insurance required on waterslides.

The bill passes its second (38-1) and third readings and is ordered enrolled.

S.B. 455 (Committee Substitute), a bill to provide early intervention, developmental services, and education to handicapped children from birth to five years of age, upon third reading.

Senator Simpson offers Amendment No. 3 which is adopted (40-0).

The Committee Substitute bill, as amended, passes its third reading (42-0) and is ordered, without objection, engrossed and sent to the House of Representatives by special messenger.

S.B. 1388 (Committee Substitute), a bill to provide for annual budgets, streamline the legislative process, and study a restructuring of the budget process so as to assure more stable budgeting, by providing for use of the prior calendar year's collections as the revenue estimates, rescheduling the primary and other election-law dates, limiting use of reversions to one-time expenditures.

Committee Amendment No. 1. is placed before the Senate for adoption.

Without objection, on motion of Senator Royall, the Committee Substitute bill is temporarily displaced, with Committee Amendment No. 1 pending.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2408, a joint resolution honoring the life and memory of William T. "Billy" Watkins.

On motion of Senator Royall, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration.

The Chair directs the Reading Clerk to read the joint resolution in its entirety and extends courtesies of the gallery to the families and friends of former Representative Watkins.

The joint resolution passes its second (39-0) and third readings and is ordered enrolled.

CALENDAR (Continued)

S.B. 1388 (Committee Substitute), a bill to provide for annual budgets, streamline the legislative process, and study a restructuring of the budget process so as to assure more stable budgeting, by providing for use of the prior calendar year's collections as the revenue estimates, rescheduling the primary and other election-law dates, limiting use of reversions to one-time expenditures, temporarily displaced earlier, with Committee Amendment No. 1 pending.

Committee Amendment No. 1 is adopted.

Senator Tally offers Amendment No. 2 proposing to change the title to read, **S.B. 1388**, a bill to authorize the Legislative Research Commission to study budget restructuring and other issues related to revenue collection.

The Lieutenant Governor relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in his absence.

Senator Tally calls the previous question, seconded by Senator Harris. The call is sustained.

Senator Barker rises to a point of order as to the study being directed to a proposed Commission not properly before the Senate. The Chair fails to sustain the point of order. Amendment No. 2, offered by Senator Tally, fails of adoption (16-27).

Senator Winner offers Amendment No. 3.

The President *Pro Tempore* relinquishes the gavel to the President of the Senate, who presides.

Amendment No. 3 is adopted (41-2).

Senator Barker offers Amendment No. 4 which fails of adoption (7-37).

Senator Barker offers Amendment No. 5. Senator Basnight offers a motion that Amendment No. 5 do lie upon the table, seconded by Senator Parnell, which motion prevails (28-14). Amendment No. 5 lies upon the table.

Senator Winner offers Amendment No. 6 which is adopted (42-1).

Without objection, on motion of Senator Goldston, the Committee Substitute bill, as amended, is temporarily displaced.

S.J.R. 1621, a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly, temporarily displaced earlier.

The Chair directs the Reading Clerk to read the joint resolution in its entirety and extends courtesies of the gallery to the family and friends of former Senator Frink.

The joint resolution passes its second (37-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1388 (Committee Substitute), a bill to provide for annual budgets, streamline the legislative process, and study a restructuring of the budget process so as to assure more stable budgeting, by providing for use of the prior calendar year's collections as the revenue estimates, rescheduling the primary and other election-law dates, limiting use of reversions to one-time expenditures, as amended, temporarily displaced earlier.

Senator Goldston offers Amendment No. 7 which is adopted (36-1).

Senator Goldston calls the previous question on the passage of the measure, seconded by Senator Barnes. The call is sustained (29-8).

The Committee Substitute bill, as amended, passes its second reading (28-10).

Senator Sands objects to the third reading of the measure.

Senator Goldston offers a motion to suspend the rules to allow the third reading today of the Committee Substitute bill, as amended, which motion fails to prevail (18-20).

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2245 (Committee Substitute), a bill to authorize the issuance of not in excess of seventy-five million dollars bonds of the State to provide funds, with any other available funds, for State prison facilities, such authorized bonds to be issued without an election during the biennium ended June 30, 1991, in an amount not in excess of such authorized amount and not in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the 1987-89 biennium, and to raise the prison population cap, Calendared for July 13, as amended, upon second reading.

The Chair orders the Committee Substitute bill, as amended, withdrawn from the Calendar of July 13 and, without objection, places the measure before the Senate for consideration.

The Chair reverses his earlier ruling and holds Amendment No. 1 not to be material. The Committee Substitute bill, as amended, remains before the Senate for further consideration, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Taft, Tally, Walker, Wilson, and Winner—39.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

S.B. 1084 (Committee Substitute), a bill to conform the laws of North Carolina to the requirements of certain federal laws and constitutional principles, temporarily displaced earlier, upon second reading.

Senator Bryan offers Amendment No. 1 which fails of adoption (14-26).

The Committee Substitute bill passes its second reading by roll-call vote, ayes 24, noes 16, as follows:

Voting in the affirmative: Senators Barker, Barnes, Block, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Johnson of Wake, Lee, Martin of Pitt, Marvin, Rauch, Royall, Sands, Simpson, Soles, Swain, Tally, Walker, and Winner—24.

Voting in the negative: Senators Allran, Basnight, Bryan, Carpenter, Chalk, Daniel, Kaplan, Kincaid, Odom, Parnell, Plyler, Raynor, Shaw, Sherron, Smith, and Wilson—16.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities, as amended, temporarily displaced earlier, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Johnson of Wake, Kaplan, Lee, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Smith, Soles, Swain, Tally, Walker, Wilson, and Winner—35.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 13, for further consideration, upon third reading.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Sherron offers a motion that Rule 40 be suspended to allow the introduction of the following bill filed today pursuant to Resolution 63 which motion prevails by a two-thirds majority vote.

By Senator Sherron:

S.B. 1622, a bill to provide that the probationary time between an interlocutory decree and final adoption order may be the same for private adoptions as those arranged by Social Services or a licensed child-placing agency.

The bill is read a first time and on motion of Senator Sherron, the bill is placed on the Calendar for tomorrow, July 13, for consideration.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 1612, a bill to provide for the licensure of crematory operators and to establish the Crematory Authority within the Board of Mortuary Science, with a favorable report.

H.B. 2258 (Committee Substitute), a bill to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund, with a favorable report.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Insurance Committee**.

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to impose a minimum fee under that local act or to convert the district to a rural fire protection district, with a favorable report.

S.B. 1589, a bill to amend the Commercial Driver's License Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for tomorrow, July 13, for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2395, a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1241 House of Representatives
July 12, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has dismissed the Conferees on **HB. No. 1241** "A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUS OF A MILITARY DEPENDENT ELIGIBLE FOR IN-STATE TUITION AT THE UNIVERSITY OF NORTH CAROLINA", and the vote by which the House failed to concur in the Senate Amendment has been reconsidered and the House now concurs in the Senate Amendment and the bill has been ordered enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

Without objection, on motion of Senator Barnes, the Senate stands in recess for the purpose of committee meetings from 5:00 P.M. until 5:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, who presides in the absence of the President of the Senate.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 465 House of Representatives
(House Committee Substitute) July 12, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute **S.B. No. 465**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE SALVAGE TITLE LAW AND TO REQUIRE CERTAIN DAMAGE DISCLOSURES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1478 (Committee Substitute), a bill to incorporate the Town of Greenlevel in Alamance County, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 13.

H.B. 2235, a bill to permit Nash County to appropriate additional funds for industrial development.

Referred to **Appropriations Committee.**

H.B. 2353 (Committee Substitute No. 2), a bill to establish fees for processing applications for permits and to improve permit processing and compliance under the Coastal Area Management Act.

Referred to **Finance Committee.**

H.B. 2394 (Committee Substitute), a bill to provide for the filing of notices of liens, certificates, and other notices affecting various federal liens in the same manner as notices of federal tax liens.

Referred to **Judiciary II Committee.**

S.B. 1586 (House Committee Substitute), a bill to accelerate the payment of sales taxes and gross receipts taxes by utilities and to accelerate the payment of withheld individual income taxes by employers, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 13.

H.B. 2138 (Committee Substitute), a bill to provide transitional adjustments relating to Subchapter S Corporations, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, to allow a tax credit for State income taxes paid on Government Retirement Benefits received in 1988, to provide that an extension of time for filing an income or franchise tax return is not an extension of time for paying the tax, and to reduce the threshold for payments of estimated corporate income tax.

Referred to **Finance Committee.**

H.B. 2136 (Committee Substitute), a bill to allow Durham County to create a special projects district as a separate political subdivision within the county for the purpose of funding joint projects undertaken through interlocal cooperation agreements between the County of Durham, the City of Durham, and the Town of Chapel Hill to ensure proportional equality of city and county taxpayer participation and to allow an extension of time for Durham County Hospital Corporation to file an application for a sales and use tax refund.

Referred to **Finance Committee.**

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Ways and Means Committee:**

S.B. 1360 (Committee Substitute No. 2), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross receipts tax, to increase certain fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Committee Substitute bill No. 3.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill No. 3 is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill No. 3 is adopted.

On motion of Senator Winner, the Committee Substitute bill No. 3 is placed on the Calendar for Monday, July 16, for further consideration.

By Senator Taft for the **Election Laws Committee**:

S.B. 1620, a bill to provide the rules and procedure for municipal redistricting in 1991, with a favorable report.

On motion of Senator Taft, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

Senator Taft offers Amendment No. 1 which is adopted (31-0).

The bill, as amended, passes its second (31-0) and third readings and is ordered, without objection, engrossed and sent to the House of Representatives by special messenger.

On motion of Senator Royall, seconded by Senator Kaplan, the Senate adjourns at 5:50 P.M. to meet tomorrow, July 13, at 9:30 A.M.

ONE HUNDRED SIXTY-SECOND DAY

SENATE CHAMBER,
Friday, July 13, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, Many times we see a particular task on the horizon and we admit that the sheer size and complexity of the task is intimidating.

"Yet the closer we get to the task at hand, we realize that we have been looking at the shadow of this giant, which often looms bigger that the giant itself.

"Help us to see the task before us for what it really is. Large and difficult, yes, but certainly not beyond our abilities. Thank You that through faith in You and in our fellow men and women, we can conquer any giant, move any mountain. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Thursday, July 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Cochrane, Senator Martin of Guilford, Senator Staton, and Senator Johnson of Cabarrus.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 132, an act to remove the statutory requirement that the President *Pro Tempore* serve on the Senate Committee on Pensions and Retirement. (Ch. 899)

S.B. 382, an act to expand the list of offices and departments receiving summer interns allocated by the North Carolina Internship Council of the Department of Administration. (Ch. 900)

S.B. 1487 (Committee Substitute), an act to provide a third option for distribution of local sales tax revenue within Pender County. (Ch. 901)

S.B. 1512, an act to allow the Town of St. Pauls to make the Town Administrator the head of all town departments. (Ch. 902)

S.B. 1520, an act regarding when the Nash County Board of Education can pay its employees. (Ch. 903)

S.B. 1521 (Committee Substitute), an act to exempt the Town of Bailey from certain zoning notice requirements. (Ch. 904)

S.B. 1522, an act to authorize Alleghany, Caswell, Richmond, and Watauga Counties to collect certain fees in the same manner as *ad valorem* taxes. (Ch. 905)

S.B. 1536 (Committee Substitute), an act to establish fees for processing erosion control plan approvals under the Sedimentation Pollution Control Act. (Ch. 906)

H.B. 1241, an act to clarify the admissions status of persons eligible for in-state tuition at the University of North Carolina. (Ch. 907)

H.B. 2074 (Committee Substitute), an act to increase the maximum bond that may be required of fuel distributors and suppliers. (Ch. 908)

H.B. 2091, an act to provide for an age seventy sportsman combination hunting-fishing license. (Ch. 909)

H.B. 2099, an act to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue Pender County weapon permits. (Ch. 910)

H.B. 2112, an act to allow Pender County to name and assign street numbers to private roads in unincorporated areas. (Ch. 911)

H.B. 2152, an act to authorize the City of Greenville to increase the number of Parking Authority Commissioners. (Ch. 912)

H.B. 2247, an act allowing the City of Lumberton and the County of Macon in arriving at the amount of consideration for an economic development conveyance to take into consideration prospective revenues generated by the development. (Ch. 913)

H.B. 2401, an act to repeal the sunset on the limitation on insurance required on waterslides. (Ch. 914)

S.J.R. 1430, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to provide that no insurance points and no surcharges may be assessed for certain speeding offenses over sixty-five miles per hour. (Res. 65)

S.J.R. 1619, a joint resolution honoring the life and memory of Fred Moore Mills, Jr. (Res. 66)

H.J.R. 2408, a joint resolution honoring the life and memory of William T. "Billy" Watkins. (Res. 67)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee:**

H.B. 2350, a bill to conform the Social Service Statutes with the Federal Job Opportunities and Basic Skills Training Program and to preserve State funds, with a favorable report.

CONFERENCE REPORT

S.B. 465 (House Committee Substitute)

Senator Goldston for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 465** (House Committee Substitute), a bill to clarify the Motor Vehicle Salvage Title Law and to require certain damage disclosures, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute (Fourth Edition Engrossed), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE SALVAGE TITLE LAW AND TO REQUIRE CERTAIN DAMAGE DISCLOSURES, wish to report as follows:

The Senate concurs in the House Committee Substitute (Fourth Edition Engrossed) with the following amendments:
(1) on page 2, line 14 delete "seven" and insert "five";
(2) and on page 2, line 17, delete "60 days after ratification" and insert "October 1, 1990".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/William D. Goldston, Jr.	S/John H. Weatherly
S/Paul S. Smith	S/Roy A. Cooper, III
S/Aaron W. Plyler, Sr.	S/Joe Hackney
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Goldston, the Conference Report is adopted (36-0), and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

H.B. 2258 (Committee Substitute), a bill to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund.

On motion of Senator Parnell, the rules are suspended and the Committee Substitute bill is taken from the **Insurance Committee** and is placed on the Calendar for Monday, July 16, for consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of as follows:

H.B. 2073, a bill to allow a sales tax exemption for fuel used by a small power producer to generate electricity.

Referred to **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 2398 (Committee Substitute), a bill to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is taken from the **Finance Committee** and is placed on the Calendar for Monday, July 16, for consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S.B. 1427 (Proposed Committee Substitute PCS 4733), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies and to make other changes in the budget operation of the State, for adoption with a point of order as to germaneness under advisement.

The Chair fails to sustain the point of order and the question becomes the adoption of the Committee Substitute bill.

On motion of Senator Royall, the Committee Substitute bill is adopted.

On motion of Senator Royall, Legislative Fiscal Research staff members are granted courtesies of the floor for the purpose of assisting in the explanation of the measure with the attachment. (Pursuant to G.S. 143-15, the text of the attachment presented to the Senate appears in the Addendum.)

Senator Royall offers Amendment No. 1 which is adopted (36-0).

Senator Royall offers Amendment No. 2 which is adopted (37-0).

The Committee Substitute bill, as amended, passes its second reading (37-0) and, without objection, remains before the Senate for further consideration, upon third reading.

Senator Odom offers Amendment No. 3. Senator Royall, seconded by Senator Harris, calls the previous question. The call is sustained (37-2). Amendment No. 3 fails of adoption (16-24).

The Committee Substitute bill, as amended, passes its third reading (41-0) and is ordered, without objection, engrossed and sent to the House of Representative by special messenger.

S.B. 1448, a bill to allow Cherokee County to establish a county recreation and security service district, and levy a tax in that district for services of the district, subject to a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 899 (Committee Substitute), a bill to allow Randolph County to create rural fire protection districts contiguous with the boundaries of existing county fire service

districts, and to annex territory to rural fire protection districts, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H.B. 2084, a bill to authorize the Village of Bald Head Island to contract for water supply and pressure for fire protection purposes without complying with the bid statutes and to impose special assessments, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2094, a bill to confirm the corporate limits of the City of Bakersville, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H.B. 2101, a bill to annex certain described territory to the Town of Trent Woods, and providing that the general law on compensation of municipal officers shall apply, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H.B. 2119, a bill to authorize Davie County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of

Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2193, a bill to allow the Harnett County Board of Commissioners, after public hearing, to extend the boundaries of any voted fire protection district out to five road miles, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2197 (Senate Committee Substitute), a bill to repeal an annexation of the Town of Leland, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The measure is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

H.B. 2268, a bill to remove a described area from the corporate limits of the Town of Elm City, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2262, a bill to allow the Town of Richfield to be included within a rural fire protection district, upon third reading.

Without objection, the bill is taken from its regular order of business, and on motion of Senator Conder, consideration of the bill is postponed until Monday, July 16.

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to impose a minimum fee under that local act or to convert the district to a rural fire protection district, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—37.

Voting in the negative: None.

The bill remains on the Calendar for Monday July 16, for further consideration, upon third reading.

H.B. 2041, a bill to amend the law regarding the Cary Local Supplemental Retirement Benefit Fund.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2168 (Committee Substitute), a bill to regulate the use to which the excess proceeds of the Windsor Firemen's Local Relief Fund may be put.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 2189, a bill to increase the amount that can be received in benefits from the Lexington Firemen's Supplemental Retirement Fund.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1478 (Committee Substitute), a bill to incorporate the Town of Greenlevel in Alamance County, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—34.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, July 16, for concurrence in House Amendment No. 1, upon third reading.

S.B. 1421 (House Committee Substitute), a bill to amend the law relating to the Raleigh Firemen's Supplemental Retirement Fund, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (36-0) and the House Committee Substitute bill is ordered enrolled.

S.B. 1463 (House Committee Substitute), a bill to amend the law relating to the Firemen's Pension and Disability Fund in the City of High Point, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (36-0) and the House Committee Substitute bill is ordered enrolled.

S.B. 1084 (Committee Substitute), a bill to conform the laws of North Carolina to the requirements of certain federal laws and constitutional principles, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 19, noes 16, as follows:

Voting in the affirmative: Senators Barnes, Carpenter, Chalk, Conder, Daniel, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Marvin, Rauch, Royall, Speed, Taft, Walker, and Winner—19.

Voting in the negative: Senators Ballance, Basnight, Block, Bryan, Daughtry, Guy, Kincaid, Murphy, Parnell, Plyler, Raynor, Sherron, Simpson, Smith, Tally, and Wilson—16.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 929, a bill to authorize counties to make special assessments for street lights in residential subdivisions, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Tally, Walker, Wilson, and Winner—34.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2227 (Senate Committee Substitute), a bill to provide for acquisition of right-of-way by the Department of Transportation for location and relocation of utility infrastructure and to clarify the regulatory authority of the Utilities Commission with regard to natural gas, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Tally, Walker, Wilson, and Winner—34.

Voting in the negative: None.

The measure is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

H.B. 2245 (Committee Substitute), a bill to authorize the issuance of not in excess of seventy-five million dollars bonds of the State to provide funds, with any other available funds, for State prison facilities, such authorized bonds to be issued without an election during the biennium ended June 30, 1991, in an amount not in excess of such authorized amount and not in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the 1987-89 biennium, and to raise the prison population cap, as amended, upon third reading.

Without objection, Senator Johnson of Wake is excused from voting for the stated reason: "An employee of my law firm has been employed to lobby this bill. Therefore a conflict."

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 1, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—33.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H.B. 2287 (Committee Substitute), a bill to authorize a bond referendum on the issuance of two hundred million dollars general obligation bonds of the State, to be voted on by the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities, as amended, upon third reading.

Without objection Senator Johnson of Wake is excused from voting for the stated reason: "An employee of my law firm has been employed to lobby this bill. Therefore a conflict."

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 1, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—33.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities, as amended, upon third reading.

Senator Rauch offers Amendment No. 2 which is adopted (34-0).

The bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Marvin, Murphy, Odom, Plyler, Rauch, Royall, Sands, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—33.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2, without objection, by special messenger.

S.B. 1525, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon second reading.

The bill passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Murphy, Odom, Parnell, Plyler, Rauch, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—34.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 16, for further consideration, upon third reading.

S.B. 1526, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, upon second reading.

The bill passes its second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Block, Bryan, Carpenter, Chalk, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—33.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 16, for further consideration, upon third reading.

S.B. 1612, a bill to provide for the licensure of crematory operators and to establish the Crematory Authority within the Board of Mortuary Science.

Without objection, on motion of Senator Harris, the bill is taken from its regular order of business, and on his further motion, consideration of the bill is postponed until Tuesday, July 17.

S.B. 1589 (Committee Substitute), a bill to amend the Commercial Driver's License Act, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 1, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Taft, Tally, Walker, Wilson, and Winner—36.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill is ordered placed on the Calendar for Monday, July 16, for further consideration, upon third reading.

S.B. 1543 (Committee Substitute), a bill relating to the funding and operation of the Drivers Education Program.

The Committee Substitute bill passes its second (33-4) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1570 (Committee Substitute), a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina and to require the creation and enhancement of a program of public service and technical assistance to the public schools, as amended.

Without objection, on motion of Senator Royall, the Committee Substitute bill, as amended, is temporarily displaced.

H.B. 2335 (Committee Substitute), a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina and to require the creation and enhancement of a program of public service and technical assistance to the public schools.

Without objection, on motion of Senator Royall the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered enrolled.

S.B. 1622, a bill to provide that the probationary time between an interlocutory decree and final adoption order may be the same for private adoptions as those arranged by Social Services or a licensed child-placing agency.

The bill passes its second (38-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

H.B. 2249 (Committee Substitute), a bill to consolidate and clarify the civil penalty powers of the Environmental Management Commission and to establish procedures for the remission of civil penalty assessments, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read, **H.B. 2249** (Senate Committee Substitute), a bill to consolidate and clarify the civil penalty powers of the Environmental Management Commission and to establish procedures for the remission of civil penalty assessments, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Monday, July 16, for further consideration.

H.B. 2254 (Committee Substitute), a bill to clarify the scope of the financial qualification and compliance history requirements applicable to applicants for water discharge and air emissions permits, with a favorable report, as amended.

H.B. 1177, a bill to increase the criminal penalties for violations of the water quality, air quality, oil and hazardous substances control, and hazardous waste management programs that are knowingly committed or that involve knowing endangerment, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 1177** (Senate Committee Substitute), a bill to increase the criminal penalties for violations of the water quality, air quality, oil and hazardous substances control, and hazardous waste management programs that are knowingly and willfully committed or that involve knowing endangerment, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Monday, July 16, for further consideration.

CALENDAR (Continued)

S.B. 1383 (Committee Substitute), a bill to provide for annual budgets, streamline the legislative process, and study a restructuring of the budget process so as to assure more stable budgeting, by providing for use of the prior calendar year's collections as the revenue estimates, rescheduling the primary and other election-law dates, limiting use of reversions to one-time expenditures, as amended, upon third reading.

Without objection, on motion of Senator Barnes, the Committee Substitute bill, as amended, is taken up out of the regular order of business.

Senator Sands offers Amendment No. 8 which fails of adoption (9-30).

Senator Conder offers Amendment No. 9 which is adopted (31-8).

The Chair relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in his absence.

Senator Ballance offers a motion that the Committee Substitute bill, as amended, be re-referred to the **Judiciary I Committee**, which motion he subsequently withdraws.

The Committee Substitute bill, as amended, passes its third reading (30-8) and is ordered engrossed and sent to the House of Representatives, without objection, by special messenger.

Senator Barnes relinquishes the gavel to the Lieutenant Governor, President of the Senate, who presides.

S.B. 1570 (Committee Substitute), a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina and to require the creation and enhancement of a program of public service and technical assistance to the public schools, as amended, temporarily displaced earlier.

On motion of Senator Barnes, consideration of the Committee Substitute bill, as amended, is postponed until Monday, July 16.

S.B. 1586 (House Committee Substitute), a bill to accelerate the payment of sales taxes and gross receipts taxes by utilities and to accelerate the payment of withheld

individual income taxes by employers, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Smith, Speed, Taft, Tally, Walker, and Wilson—37.

Voting in the negative: None.

The measure is placed on the Calendar for Monday, July 16, for concurrence in the House Committee Substitute bill, upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1535 (Committee Substitute), a bill to establish fees for processing applications for approval of construction or removal of dams, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, July 16.

S.B. 1383, a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1383** (House Committee Substitute), a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity and to allow the Rutherford Airport Authority to lease land to the State of North Carolina for a period not to exceed thirty years, which is placed on the Calendar for Monday, July 16.

S.B. 673 (House Committee Substitute), a bill to make changes in the practice of Funeral Service Act, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 16.

S.B. 1450, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, Gaston and Lincoln Counties, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 1450**, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, and Gaston Counties, which is placed on the Calendar for Monday, July 16.

H.B. 2321 (Committee Substitute), a bill to continue the Agricultural Finance Authority, which is placed on the Calendar for Monday, July 16.

H.B. 2213 (Committee Substitute), a bill clarifying the power of cities and counties to collect charges for the use of stormwater utilities, to give water and sewer authorities the power to operate and finance storm drainage systems, to direct the Infrastructure Study Commission to study whether each county needs multiple stormwater drainage systems, and to fund dispute resolution programs, which is placed on the Calendar for Monday, July 16.

H.B. 2281, a bill authorizing the County of Durham to require development plans during the property rezoning process, which is placed on the Calendar for Monday, July 16.

H.B. 2393, a bill to authorize creation of county recreation and security service districts, which is placed on the Calendar for Monday, July 16.

H.B. 2402 (Committee Substitute), a bill to expand the egg promotion tax to include processed eggs, which is placed on the Calendar for Monday, July 16.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1223
(Senate Committee Substitute)

House of Representatives
July 13, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to H.B. No. 1223, AN ACT TO PROVIDE ADDITIONAL TIME FOR THE DEVELOPMENT OF WATER SUPPLY WATERSHED CLASSIFICATIONS AND FOR THE CLASSIFICATION OF EXISTING WATER SUPPLY WATERSHEDS AND TO DELAY THE DEVELOPMENT OF NEW SANITARY LANDFILLS FOR THE DISPOSAL OF NONHAZARDOUS SOLID WASTE IN WATER SUPPLY WATERSHEDS FOR WHICH A PETITION FOR RECLASSIFICATION IS PENDING UNTIL THE CLASSIFICATION OF SUCH WATERSHEDS IS COMPLETED, and requests conferees. The Speaker has appointed Representatives B. Holt, Hackney, Bowman, Sam Hunt, and Grimmer on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee:**

S.B. 1412 (Committee Substitute), a bill to provide for registration of and reporting by multiple employer welfare arrangements and to amend the financial responsibility requirements for health plan administrators, with a favorable report.

H.B. 2067 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, with a favorable report.

H.B. 2138 (Committee Substitute), a bill to provide transitional adjustments relating to Subchapter S Corporations, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, to allow a tax credit for State income taxes paid on Government Retirement Benefits received in 1988, to provide that an extension of time for filing an income or franchise tax return is not an extension of time for paying the tax, and to reduce the threshold for payments of estimated corporate income tax, with a favorable report.

H.B. 2280, a bill to allow Dare County to establish a special leash law district, apply a leash law within that district, and levy a tax in that district for enforcement of the leash law, with a favorable report.

S.B. 1567, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, to appropriate additional funds to assure that the facility is properly sized, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1. is adopted changing the title to read **S.B. 1567**, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes.

On motion of Senator Rauch, the bill, as amended, is placed on the Calendar for Monday, July 16, for further consideration.

S.B. 1559 (Committee Substitute), a bill to support public health programs and activities through an annual fee for food and lodging facilities and meat markets, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill No. 2, which changes the title to read **S.B. 1559** (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Monday, July 16, for further consideration.

S.B. 1582, a bill to authorize the issue of general obligation bonds of the State of North Carolina to meet infrastructure needs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill which changes the title to read **S.B. 1582** (Committee Substitute), a bill to authorize the issuance of two hundred million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for general State purposes, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 16, for further consideration.

S.B. 1447 (Committee Substitute), a bill to suspend the operation of an annexation ordinance of the Town of Andrews, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill No. 2 which changes the title to read **S.B. 1447** (Committee Substitute No. 2), a bill to repeal the annexation ordinance of the Town of Andrews, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Monday, July 16, for further consideration.

On motion of Senator Barnes, seconded by Senator Daughtry, the Senate adjourns at 12:15 P.M. to meet Monday, July 16, at 8:00 P.M.

ONE HUNDRED SIXTY-THIRD DAY

SENATE CHAMBER,
Monday, July 16, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Honorable Howard N. Lee, Senator from Orange County, as follows:

"Lord, giver of all life: You have offered us many good gifts;

"You have offered freedom, but we want it with no obligations; You offered hope, but we want a guarantee; You offered peace, but we want to hoard it; You offered Love, but we can't believe it, accept it or give it in return.

"Then we ask that life be made easier, instead of asking that we be made stronger. We ask for task equal to our power and ability, instead of asking for the power and ability equal to the task. We ask for smooth roads to travel, rather than being grateful for the opportunity to travel. Instead of asking that we be made smart, we should be grateful for the chance to learn.

"Forgive us for placing our wants above Your grace; for limiting Your goodness by our selfishness; for expecting quick answers to eternal issues and tough problems.

"We are so busy wishing for things we don't have and dreaming about things we want; that we fail to fully utilize and enjoy that which we have—the most precious being life. Help us, Oh God, to stop wasting our time waiting for a miracle and use our time, talent and opportunities wisely. Indeed, we could become a miracle.

"Thank You for confronting us, so that You can redeem us. Thank You for giving us this new day and a new chance. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Friday, July 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Swain for tonight.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 336, an act to authorize community college tuition waiver for certain members of the Radio Emergency Association Citizens Team (REACT). (Ch. 915)

S.B. 465 (House Committee Substitute), an act to clarify the Motor Vehicle Salvage Title Law and to require certain damage disclosures. (Ch. 916)

S.B. 1421 (House Committee Substitute), an act to amend the law relating to the Raleigh Firemen's Supplemental Retirement Fund. (Ch. 917)

S.B. 1461, an act relating to zoning procedures of the City of High Point. (Ch. 918)

S.B. 1462, an act relating to assessments for underground electrical wiring in the City of High Point. (Ch. 919)

S.B. 1463 (House Committee Substitute), an act to amend the law relating to the Firemen's Pension and Disability Fund in the City of High Point. (Ch. 920)

S.B. 1497, an act to amend the Charter of the City of Asheboro. (Ch. 921)

S.B. 1527 (Committee Substitute), an act to provide refunds of Charlotte/Mecklenburg meals tax paid by certain nonprofit and governmental entities on purchases eligible for sales tax refunds. (Ch. 922)

H.B. 929, an act to authorize counties to make special assessments for street lights in residential subdivisions. (Ch. 923)

H.B. 2041, an act to amend the law regarding the Cary Local Supplemental Retirement Benefit Fund. (Ch. 924)

H.B. 2084, an act to authorize the Village of Bald Head Island to contract for water supply and pressure for fire protection purposes without complying with the bid statutes and to impose special assessments. (Ch. 925)

H.B. 2092, an act to provide for complimentary fishing licenses for residents of rest homes. (Ch. 926)

H.B. 2094, an act to confirm the corporate limits of the City of Bakersville. (Ch. 927)

H.B. 2119, an act to authorize Davie County to levy a room occupancy and tourism development tax. (Ch. 928)

H.B. 2121 (Senate Committee Substitute), an act to authorize the Board of Commissioners of Davie County to adopt an ordinance prohibiting the discharge of firearms or pellet guns from the roadways and rights-of-way in Davie County, and to authorize the Davie County Board of Education to convey or release any remaining interests in certain real property. (Ch. 929)

H.B. 2168 (Committee Substitute), an act to regulate the use to which the excess proceeds of the Windsor Firemen's Local Relief Fund may be put. (Ch. 930)

H.B. 2189, an act to increase the amount that can be received in benefits from the Lexington Firemen's Supplemental Retirement Fund. (Ch. 931)

H.B. 2193, an act to allow the Harnett County Board of Commissioners, after public hearing, to extend the boundaries of any voted fire protection district out to five road miles. (Ch. 932)

H.B. 2245 (Committee Substitute), an act to authorize the issuance of not in excess of seventy-five million dollars bonds of the State to provide funds, with any other available funds, for State prison facilities, such authorized bonds to be issued without an election during the biennium ended June 30, 1991, in an amount not in excess of such authorized amount and not in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the 1987-89 biennium, and to raise the prison population cap. (Ch. 933)

H.B. 2268, an act to remove a described area from the corporate limits of the Town of Elm City. (Ch. 934)

H.B. 2287 (Committee Substitute), an act to authorize a bond referendum on the issuance of two hundred million dollars general obligation bonds of the State, to be voted on by the qualified voters of the State, to provide funds, with any other available funds, for State prison and youth services facilities. (Ch. 935)

H.B. 2335 (Committee Substitute), an act to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University

of North Carolina and to require the creation and enhancement of a program of public service and technical assistance to the public schools. (Ch. 936)

S.J.R. 1613, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to authorize ABC election in certain cities located in two counties. (Res. 68)

S.J.R. 1621, a joint resolution honoring the life and memory of Samuel Benjamin Frink, former member of the General Assembly. (Res. 69)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

S.B. 1380, a bill to provide for a strawberry assessment, with a favorable report. On motion of Senator Royall, the bill is re-referred to **Finance Committee**.

WITHDRAWALS FROM COMMITTEE

H.B. 2338, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill.

On motion of Senator Royall, the rules are suspended and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for tonight immediately preceding **S.B. 1525**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon second reading.

H.B. 2356, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws.

On motion of Senator Royall, the rules are suspended and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for tonight immediately preceding **S.B. 1526**, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, upon second reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2147, a bill to award a performance pay increase in the form of a one-time, lump-sum bonus for the year to any State employee who is eligible for such an increase and who is at the top of a pay scale.

Referred to **State Personnel Committee** and upon a favorable report re-referred to **Appropriations Committee**.

H.B. 2325 (Committee Substitute), a bill to provide that the State of North Carolina incurs no liability because of actions of Boards of Trustees of Firemen's Relief funds.

Referred to **Insurance Committee.**

H.B. 2348, a bill to amend the law regarding Medicaid subrogation to conform to federal guidelines and increase casualty recovery funds.

Referred to **Human Resources Committee.**

H.J.R. 2409, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require people to be licensed to practice electrology.

On motion of Senator Kaplan, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (47-0) and third readings and is ordered enrolled.

S.B. 810 (House Committee Substitute), a bill to amend the North Carolina Technological Development Authority's enabling legislation regarding the Incubator Facilities Program, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 17.

S.B. 1013 (House Committee Substitute), a bill to establish a separate and unique law enforcement officer oath of office, for concurrence in the House Committee Substitute bill, which is placed on the calendar for tomorrow, July 17.

S.B. 1378 (Committee Substitute), a bill to establish a moratorium on the transfer of waters, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, July 17.

H.B. 2173, a bill to increase the probation and parole supervision fees from fifteen to twenty dollars.

Referred to **Judiciary II Committee.**

S.B. 155 (Committee Substitute), a bill to require the Environmental Management Commission to reclassify certain coastal surface waters of the State as outstanding resource waters, for concurrence in the House Committee Substitute bill which changes the title, upon concurrence, to read **S.B. 155** (House Committee Substitute), a bill to require certain municipalities which violate the conditions of court orders regarding the discharge of water from a wastewater treatment plant operated by such municipalities to pay full amount of the penalties specified in such orders, to amend other laws relating to effluent or emission standards and limitations, and to require that certain municipalities notify downstream units of local government whenever their wastewater treatment plant exceeds applicable effluent limitations or when untreated or partially treated wastewater is diverted so as to bypass the wastewater treatment plant.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 17, for concurrence.

S.B. 1506, a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases, for concurrence in the House Committee Substitute bill which changes the title, upon concurrence, to read **S.B. 1506** (House Committee Substitute), a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases, and to provide that certain misdemeanants may be paroled and placed under house arrest.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 17, for concurrence.

S.B. 1365, a bill to provide an inheritance tax exemption for State and local government retirement benefits paid to lineal descendants and ancestors and to limit the current inheritance tax exemption for federal government retirement benefits to only those benefits paid to lineal descendants and ancestors, for concurrence in the House Committee Substitute bill which changes the title, upon concurrence, to read **S.B. 1365** (House Committee Substitute), a bill to repeal the inheritance tax exemption for federal retirement benefits, thereby making the tax treatment for federal retirement benefits the same as for State retirement benefits, and to authorize the Legislative Research Commission to study the inheritance tax exemptions.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 17, for concurrence.

S.B. 1414, a bill to authorize Burke County to collect certain fees in the same manner as *ad valorem* taxes, for concurrence in the House Committee Substitute bill which changes the title, upon concurrence, to read **S.B. 1414** (House Committee Substitute), a bill to authorize Burke, Gaston, Lee, Lenoir, and Washington Counties to collect certain fees in the same manner as *ad valorem* taxes.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 17, for concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2081

House of Representatives
July 16, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to HB. No. 2081, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM VEHICLE TAX THAT CAN BE LEVIED IN THE CITY OF GASTONIA FROM FIVE DOLLARS TO FIFTEEN DOLLARS, and requests conferees. The Speaker has appointed Representatives Abernethy, Dickson, Lail and Rhyne on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

CALENDAR

Bills and resolutions on the Calendar carried forward as unfinished business from Friday, July 13, are taken up and disposed, as follows:

H.B. 1028 (Committee Substitute), a bill to revise the election of presidential electors.

On motion of Senator Taft, consideration of the Committee Substitute bill is postponed until Wednesday, July 18.

H.B. 2263 (Committee Substitute), a bill to require reporting to the Department of Administration of participation by disadvantaged businesses in public procurement contracts and to require the Department to collect, compile, and report the data, and to clarify the public bidding law for single-prime and separate-prime competitive bids.

On motion of Senator Plyler, the Committee Substitute bill is ordered temporarily displaced.

H.B. 2267, a bill to expand the eligibility for membership in the Supplemental Retirement Income Plan to employees of certain local governments and make technical corrections.

On motion of Senator Block, the bill is ordered temporarily displaced.

H.B. 2269 (Committee Substitute), a bill to allow a Superior Court Judge to enter judgment in a caveat proceeding in accordance with a settlement agreement entered into by the parties, either sustaining or setting aside the will.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

H.B. 2263 (Committee Substitute), a bill to require reporting to the Department of Administration of participation by disadvantaged businesses in public procurement contracts and to require the Department to collect, compile, and report the data, and to clarify the public bidding law for single-prime and separate-prime competitive bids.

On motion of Senator Sherron, consideration of the Committee Substitute bill is postponed until Wednesday, July 18.

Bills and resolutions on the Calendar for tonight, July 16, are taken up and disposed of as follows:

H.B. 2262, a bill to allow the Town of Richfield to be included within a rural fire protection district.

On motion of Senator Conder, consideration of the bill is postponed until Tuesday, July 17.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 2081, a bill to provide that the City of Gastonia may, by unanimous vote of the full membership of the City Council, increase the vehicle tax levied in the City from five dollars to no more than fifteen dollars.

Pursuant to the message from the House of Representatives received earlier tonight requesting conferees, Senator Rauch offers a motion that the Senate do appoint conferees, which motion prevails.

CALENDAR (Continued)

H.B. 2288 (Committee Substitute), a bill to provide that both felons and misdemeanants shall be eligible for intensive probation and parole, upon third reading.

Senator Block offers Amendment No. 1 which is adopted (42-5).

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

RE-REFERRAL

H.B. 2348, a bill to amend the law regarding Medicaid subrogation to conform to federal guidelines and increase casualty recovery funds.

On motion of Senator Winner, the rules are suspended and the bill is taken from the **Human Resources Committee** and is re-referred to the **Judiciary II Committee**.

CALENDAR (Continued)

H.B. 2267, a bill to expand the eligibility for membership in the Supplemental Retirement Income Plan to employees of certain local governments and make technical corrections, temporarily displaced earlier.

The bill passes its second (46-0) and third readings and is ordered enrolled.

S.B. 1509 (House Committee Substitute), a bill to authorize water column leases for aquaculture within recognized shellfish franchises and to delay action to terminate shellfish cultivation leases for one year, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The measure remains on the Calendar for tomorrow, for concurrence in the House Committee Substitute bill, upon third reading.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Johnson of Cabarrus offers a motion that Rule 40 be suspended to allow the introduction of the following bill, filed pursuant to Resolution 68, which motion prevails by a two-thirds majority vote.

By Senator Johnson of Cabarrus:

S.B. 1623, a bill to authorize ABC elections in certain cities located in two counties.

On motion of Senator Johnson of Cabarrus, the bill is placed before the Senate for immediate consideration.

The bill passes its second (44-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

CALENDAR (Continued)

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to impose a minimum fee under that local act or to convert the district to a rural fire protection district, upon third reading.

On motion of Senator Winner, consideration of the bill is postponed until tomorrow, July 17.

S.B. 1447 (Committee Substitute No. 2), a bill to repeal the annexation ordinance of the Town of Andrews, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Wake, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, July 17, for further consideration, upon third reading.

H.B. 2280, a bill to allow Dare County to establish a special leash law district, apply a leash law within that district, and levy a tax in that district for enforcement of the leash law, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 17, for further consideration, upon third reading.

H.B. 2281, a bill authorizing the County of Durham to require development plans during the property rezoning process.

The bill passes its second (47-0) and third readings and is ordered enrolled.

S.B. 1478 (Committee Substitute), a bill to incorporate the Town of Greenlevel in Alamance County, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 1383 (House Committee Substitute), a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity and to allow the Rutherford Airport Authority to lease land to the State of North Carolina for a period not to exceed thirty years, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The measure is ordered placed on the Calendar for tomorrow, July 17, for concurrence in the House Committee Substitute bill, upon third reading.

S.B. 1450, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, Gaston and Lincoln Counties, for concurrence in House Amendment No. 1.

The Senate fails to concur in House Amendment No. 1.

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails (5-42).

H.B. 2338, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 17, for further consideration, upon third reading.

S.B. 1525, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon third reading.

On motion of Senator Royall, consideration of the bill is postponed until Wednesday, July 18.

H.B. 2356, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 17, for further consideration, upon third reading.

S.B. 1526, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, upon third reading.

On motion of Senator Royall, consideration of the bill is postponed until Wednesday, July 18.

S.B. 1589 (Committee Substitute), a bill to amend the Commercial Driver's License Act, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Wilson presides over a portion of tonight's session.

S.B. 1360 (Committee Substitute No. 3), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross

receipts tax, to increase certain fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, upon second reading.

The Committee Substitute bill No. 3 passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill No. 3 is ordered placed on the Calendar for tomorrow, July 17, for further consideration, upon third reading.

S.B. 1559 (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities, upon second reading.

Senator Johnson of Wake offers Amendment No. 1.

Senator Marvin rises to a point of order, pursuant to Rule 57.2, as to the germaneness of Amendment No. 1.

The Chair rules Amendment No. 1 is germane.

Amendment No. 1 is adopted (41-7).

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: Senators Ballance, Marvin, and Tally—3.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, July 17, for further consideration, upon third reading.

S.B. 1567, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes, as amended, upon second reading.

Senator Tally rises to a point of order as to the eligibility of the measure under Resolution 34 pursuant to Amendment No. 1 removing the requirement for appropriations. The Chair takes the point of order under advisement and orders the bill, as amended, temporarily displaced.

S.B. 1412 (Committee Substitute), a bill to provide for registration of and reporting by multiple employer welfare arrangements and to amend the financial responsibility requirements for health plan administrators.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 2213 (Committee Substitute), a bill clarifying the power of cities and counties to collect charges for the use of stormwater utilities, to give water and sewer authorities the power to operate and finance storm drainage systems, to direct the infrastructure study Commission to study whether each county needs multiple stormwater drainage systems, and to fund dispute resolution programs, upon second reading.

On motion of Senator Winner, the Committee Substitute bill is referred to the Finance Committee.

H.B. 2321 (Committee Substitute), a bill to continue the Agricultural Finance Authority, upon second reading.

On motion of Senator Winner, the Committee Substitute bill is referred to the **Finance Committee.**

H.B. 2393, a bill to authorize creation of county recreation and security service districts, upon second reading.

On motion of Senator Winner, the bill is referred to the **Local Government and Regional Affairs Committee.**

H.B. 2402 (Committee Substitute), a bill to expand the egg promotion tax to include processed eggs, upon second reading.

On motion of Senator Winner, the Committee Substitute bill is referred to the **Finance Committee.**

S.B. 1582 (Committee Substitute), a bill to authorize the issuance of two hundred million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for general State purposes, upon second reading.

On motion of Senator Rauch, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 1450, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, Gaston and Lincoln Counties, for concurrence in House Amendment No. 1.

The Senate failing to concur in House Amendment No. 1, and the motion of Senator Sands that the Senate do appoint conferees, prevailing earlier tonight, the President *Pro Tempore* appoints Senators Sands (Chairman), Rauch, Harris, and Marvin as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 2081, a bill to provide that the City of Gastonia may, by unanimous vote of the full membership of the City Council, increase the vehicle tax levied in the City from five dollars to no more than fifteen dollars.

The motion of Senator Rauch prevailing earlier tonight that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Rauch (Chairman), Harris, and Marvin as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 1567, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes, as amended, temporarily displaced earlier, with a point of order under advisement.

The Chair orders the bill, as amended, placed on the Calendar for tomorrow, July 17, with the point of order under advisement.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution properly enrolled, it is duly ratified, and sent to the office of the Secretary of State:

H.J.R. 2409, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require people to be licensed to practice electrology. (Res. 70)

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

S.B. 1475, a bill to appropriate funds to the Department of Community Colleges for proprietary school law enforcement, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1475** (Committee Substitute), a bill to set the amounts of the fees collected for proprietary school licensure and regulation, is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

CALENDAR (Continued)

S.B. 1586 (House Committee Substitute), a bill to accelerate the payment of sales taxes and gross receipts taxes by utilities and to accelerate the payment of withheld individual income taxes by employers, for concurrence in House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: Senator Bryan—1.

The House Committee Substitute bill is ordered enrolled.

The President recognizes the following pages serving in the Senate this week:

Derek Baird, Raleigh; Cecily Baldwin, Raleigh; Jason Benton, Charlotte; Mindy Benton, Charlotte; Tiffany Buffaloe, Garner; Eric B. Dallin, Raleigh; Lynn Davis, Raleigh; Lex Erwin, Charlotte; Martha Erwin, Charlotte; Marty Gilchrist, Greensboro; Ann P. Hancock, Oxford; Alex Holland, Charlotte; Heather A. Lasher, Raleigh; Amber Liebers, Fayetteville; Lenwood V. Long, Jr., Raleigh; Kristen Mangum, Garner; Heather D. Matthews, Raleigh; Jason E. Melton, Franklinton; Carol L. Roberson, Franklinton; Israel Sarpolis, Raleigh; Elizabeth K. Wilson, Matthews; Melissa K. Wilson, Wilmington; and Dolores Ziccardi, Pelham.

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 9:30 P.M. to meet tomorrow, July 17, at 1:00 P.M.

ONE HUNDRED SIXTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, July 17, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, athletes often pray for endurance and strength; musicians request inspiration and skill; artists frequently ask for vision and a sense of perspective; teachers pray for the ability to communicate their ideas with clarity; business people ask for the courage to make hard decisions; and doctors, ministers, and counselors come to You seeking sensitivity and insight into the needs of others.

"Today, I pray for these legislators who need the combined talents of all these professions to do their jobs well. Help them by reminding them that You have already equipped them with these skills, and that You also have promised to be with them as they work for the betterment of our State.

"In Your Name we offer our prayer, Father. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Monday, July 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Swain and Senator Johnson of Wake.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

H.B. 2260, a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for tomorrow, July 18, for further consideration.

By Senator Soles for the **Judiciary II Committee**:

H.B. 1269 (Committee Substitute), a bill to establish the duties of parties ordered to provide medical support for dependent children and to provide that court orders and written agreements regarding medical support for dependent children are valid authorization to insurers for purposes of releasing information and processing claims, with a favorable report.

On motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Sands for the **Local Government and Regional Affairs Committee**:

H.B. 2241 (Committee Substitute), a bill revising and consolidating the Charter of Bessemer City, with a favorable report.

On motion of Senator Sands, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 2242 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Long View, with a favorable report.

On motion of Senator Sands, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 806, a bill to authorize the City of Raleigh to regulate stormwater, with a favorable report, as amended.

On motion of Senator Sands, the bill is re-referred to the **Finance Committee.**

By Senator Conder for the **Education Committee:**

H.B. 2278, a bill to modify the school funding procedures for Robeson County and to appoint members of the Board of Education for the public schools of Robeson County, with a favorable report.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Monday, July 16, are taken up and disposed of as follows:

H.B. 2067 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Wilson, and Winner—42.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 18, for further consideration, upon third reading.

H.B. 2258 (Committee Substitute), a bill to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 18, for further consideration, upon third reading.

H.B. 2398 (Committee Substitute), a bill to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 18, for further consideration, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 928 (Committee Substitute), an act to set the percentage rate of the regulatory fee to be paid by public utilities during the 1990-91 fiscal year at the rate that was in effect for the 1989-90 fiscal year. (Ch. 937)

S.B. 1382, an act to authorize Cleveland, Polk and Transylvania Counties to collect certain fees in the same manner as *ad valorem* taxes. (Ch. 938)

S.B. 1392 (Committee Substitute), an act to modify the corporate limits of the Town of Pineville and the City of Charlotte. (Ch. 939)

S.B. 1401, an act to authorize Duplin County to collect certain fees in the same manner as *ad valorem* taxes. (Ch. 940)

S.B. 1408 (Committee Substitute), an act to provide for supplemental fees, licenses, written examinations, and continuing education for agents who sell Medicare supplement or long-term care insurance policies; and to amend the Medicare supplement insurance law in accordance with recent congressional action. (Ch. 941)

S.B. 1478 (Committee Substitute), an act to incorporate the Town of Greenlevel in Alamance County. (Ch. 942)

S.B. 1494, an act to allow the Town of Richfield to be included within a rural fire protection district. (Ch. 943)

S.B. 1534 (Committee Substitute), an act to establish fees for processing applications for mining permits and applications for modifications and renewals of existing mining permits. (Ch. 944)

S.B. 1586 (House Committee Substitute), an act to accelerate the payment of sales taxes and gross receipts taxes by utilities and to accelerate the payment of withheld individual income taxes by employers. (Ch. 945)

S.B. 1587 (Committee Substitute), an act to improve the procedure for collecting debts owed the State by setting off the debts against tax refunds. (Ch. 946)

H.B. 2101, an act to annex certain described territory to the Town of Trent Woods, and providing that the general law on compensation of municipal officers shall apply. (Ch. 947)

H.B. 2267, an act to expand the eligibility for membership in the Supplemental Retirement Income Plan to employees of certain local governments and make technical corrections. (Ch. 948)

H.B. 2269 (Committee Substitute), an act to allow a Superior Court Judge to enter judgment in a caveat proceeding in accordance with a settlement agreement entered into by the parties, either sustaining or setting aside the will. (Ch. 949)

H.B. 2281, an act authorizing the County of Durham to require development plans during the property rezoning process. (Ch. 950)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H.B. 2144, a bill to place the burden on the State employee to request written justification from the employee's supervisor when that employee does not receive an increase of a midrange value within the allowable range.

Referred to **State Personnel Committee**.

H.B. 1314, a bill to authorize flexible compensation plans for State agency employees, University employees, community college employees, and public school employees.

Referred to **State Personnel Committee** and upon a favorable report re-referred to **Appropriations Committee.**

CALENDAR (Continued)

S.B. 1570 (Committee Substitute), a bill to implement the joint report to provide management incentives and flexibility for the constituent institutions of the University of North Carolina and to require the creation and enhancement of a program of public service and technical assistance to the public schools.

On motion of Senator Royall, and with unanimous consent, the Committee Substitute bill is postponed indefinitely.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Kaplan offers a motion that Rule 40 be suspended to allow the introduction, pursuant to Resolution 70, of the following bill which motion prevails by a two-thirds majority vote.

By Sentor Kaplan:

S.B. 1624, a bill to require people to be licensed to practice electrology.

On motion of Senator Kaplan the Chair orders, without objection, the bill temporarily displaced.

CALENDAR (Continued)

S.B. 1612, a bill to provide for the licensure of crematory operators and to establish the Crematory Authority within the Board of Mortuary Science.

On motion of Senator Harris the bill is taken from the Calendar for today and is placed on the Calendar for Friday, July 20.

H.B. 1177 (Senate Committee Substitute), a bill to increase the criminal penalties for violations of the water quality, air quality, oil and hazardous substances control,

and hazardous waste management programs that are knowingly and willfully committed or that involve knowing endangerment.

Pursuant to Rule 42.1, Senator Smith, Vice-Chairman of the Senate **Finance Committee** requests a fiscal analysis of the Senate Committee Substitute bill.

The Chair orders the Senate Committee Substitute bill placed on the Calendar for Thursday, July 19, for receipt of a fiscal note.

H.B. 2138 (Committee Substitute), a bill to provide transitional adjustments relating to Subchapter S Corporations, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, to allow a tax credit for State income taxes paid on Government Retirement Benefits received in 1988, to provide that an extension of time for filing an income or franchise tax return is not an extension of time for paying the tax, and to reduce the threshold for payments of estimated corporate income tax.

The Chair rules the Committee Substitute bill requires a call of the roll.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: Senators Ballance and Odom—2.

The Committee Substitute bill remains on the Calendar for tomorrow, July 18, for further consideration, upon third reading.

H.B. 2249 (Senate Committee Substitute), a bill to consolidate and clarify the civil penalty powers of the Environmental Management Commission and to establish procedures for the remission of civil penalty assessments.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 2136, (Committee Substitute), a bill to allow Durham County to create a special projects district as a separate political subdivision within the county for the purpose of funding joint projects undertaken through interlocal cooperation agreements between the County of Durham, the City of Durham, and the Town of Chapel Hill to ensure proportional equality of city and county taxpayer participation and to allow an extension of time for Durham County Hospital Corporation to file an application for a sales and use tax refund, with a favorable report.

H.B. 2321 (Committee Substitute), a bill to continue the Agricultural Finance Authority, with a favorable report.

H.B. 2353 (Committee Substitute No. 2), a bill to establish fees for processing applications for permits and to improve permit processing and compliance under the Coastal Area Management Act, with a favorable report.

H.B. 2402 (Committee Substitute), a bill to expand the egg promotion tax to include processed eggs, with a favorable report.

S.B. 1380, a bill to provide for a strawberry assessment, with a favorable report, as amended.

H.B. 2073, a bill to allow a sales tax exemption for fuel used by a small power producer to generate electricity, with a favorable report, as amended.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

H.B. 2213 (Committee Substitute), a bill clarifying the power of cities and counties to collect charges for the use of stormwater utilities, to give water and sewer authorities the power to operate and finance storm drainage systems, to direct the infrastructure study Commission to study whether each county needs multiple stormwater drainage systems, and to fund dispute resolution programs, with a favorable report, as amended.

S.B. 1475 (Committee Substitute), a bill to set the amounts of the fees collected for proprietary school licensure and regulation, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for tomorrow, July 18, for further consideration.

S.B. 1575, a bill to levy an individual income tax surtax of four-tenths of one percent in order to generate funds for educational equity grants and for State programs relating to health, social services, need-based scholarships, and indigent counsel fees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, which changes the title to read **S.B. 1575** (Committee Substitute), a bill to increase the fee for filing a corporation's annual report with the Secretary of State, and on his further motion is placed on the Calendar for tomorrow, July 18, for further consideration.

H.B. 2207 (Committee Substitute), a bill to remove the obsolete sales tax exemption for ice and to add the Vietnam Veterans Memorial Park to the sites maintained by the Department of Transportation, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate Committee Substitute bill is adopted, which changes the title, upon concurrence, to read, **H.B. 2207** (Senate Committee Substitute), a bill to remove the obsolete sales tax exemption for ice, and on his further motion the measure is placed on the Calendar for tomorrow, July 18, for further consideration.

CALENDAR (Continued)

H.B. 2254 (Committee Substitute), a bill to clarify the scope of the financial qualification and compliance history requirements applicable to applicants for water discharge and air emissions permits.

On motion of Senator Tally Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 2350, a bill to conform the Social Service Statutes with the Federal Job Opportunities and Basic Skills Training Program and to preserve State funds.

The bill passes its second (46-0) and third readings and is ordered enrolled.

S.B. 673 (House Committee Substitute), a bill to make changes in the practice of Funeral Service Act, for concurrence in House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 18, for concurrence in the measure, upon third reading.

S.B. 1535 (Committee Substitute), a bill to establish fees for processing applications for approval of construction or removal of dams, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Walker, Wilson, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 18, for concurrence in House Amendment No. 1, upon third reading.

Bills on the Calendar for today, July 17, are taken up and disposed of as follows:

S.B. 1447 (Committee Substitute No. 2), a bill to repeal the annexation ordinance of the Town of Andrews, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Walker, Wilson, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 2262, a bill to allow the Town of Richfield to be included within a rural fire protection district, upon third reading.

On motion of Senator Conder the bill is postponed indefinitely.

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to

impose a minimum fee under that local act or to convert the district to a rural fire protection district, upon third reading.

Senator Winner offers a motion that consideration of the bill be postponed until tomorrow, July 18, which motion fails to prevail.

Senator Winner consequently offers a motion that the bill be recommitted to the Finance Committee.

Senator Kaplan offers a motion that the bill be temporarily displaced, with Senator Winner's motion pending, which motion prevails. The Chair orders the meausre temporarily displaced.

H.B. 2280, a bill to allow Dare County to establish a special leash law district, apply a leash law within that district, and levy a tax in that district for enforcement of the leash law, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Daniel, Ezzell, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: Senators Barker and Sherron—2.

The bill is ordered enrolled.

S.B. 1383 (House Committee Substitute), a bill enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity and to allow the Rutherford Airport Authority to lease land to the State of North Carolina for period not to exceed thirty years, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill, on its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1414 (House Committee Substitute), a bill to authorize Burke, Gaston, Lee, Lenoir, and Washington Counties to collect certain fees in the same manner as *ad valorem* taxes, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The measure is ordered placed on the Calendar for tomorrow, July 18, for concurrence in the House Committee Substitute bill, upon third reading.

S.B. 1360 (Committee Substitute No. 3), a bill to reinstate sales tax on certain vehicles and vehicle parts, to modify the highway use tax and the alternate gross

receipts tax, to increase certain fees to offset the loss of revenue resulting from the modifications to the highway use tax, and to make technical changes in the laws affected by the Highway Trust Fund, upon third reading.

The Committee Substitute bill No. 3 passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill No. 3 is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1559 (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities, as amended, upon third reading.

On motion of Senator Rauch the Committee Substitute bill No. 2, as amended, is taken from the Calendar for today (43-3) and placed on the Calendar for tomorrow, July 18.

H.B. 2338, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2356, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 1567, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes, as amended, upon second reading, with a point of order as to eligibility under advisement.

The Chair rules the bill, as amended, eligible for consideration under Res. 34.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—46.

Voting in the negative: Senator Winner—1.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 18, for further consideration, upon third reading.

S.B. 1509 (House Committee Substitute), a bill to authorize water column leases for aquaculture within recognized shellfish franchises and to delay action to terminate shellfish cultivation leases for one year, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill, on its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1365 (House Committee Substitute), a bill to repeal the inheritance tax exemption for federal retirement benefits, thereby making the tax treatment for federal retirement benefits the same as for State retirement benefits, and to authorize the Legislative Research Commission to study the inheritance tax exemptions, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Ward, Wilson, and Winner—42.

Voting in the negative: None.

The measure is ordered placed on the Calendar for tomorrow, July 18, for concurrence in the House Committee Substitute bill, upon third reading.

S.B. 155 (House Committee Substitute), a bill to require certain municipalities which violate the conditions of court orders regarding the discharge of water from a wastewater treatment plant operated by such municipalities to pay full amount of the penalties specified in such orders, to amend other laws relating to effluent or emission standards and limitations, and to require that certain municipalities notify downstream units of local government whenever their wastewater treatment plant exceeds applicable effluent limitations or when untreated or partially treated wastewater is diverted so as to bypass the wastewater treatment plant, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled.

S.B. 810 (House Committee Substitute), a bill to amend the North Carolina Technological Development Authority's enabling legislation regarding the Incubator Facilities Program, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

S.B. 1013 (House Committee Substitute), a bill to establish a separate and unique law enforcement officer oath of office, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled.

S.B. 1378 (Committee Substitute), a bill to establish a moratorium on the transfer of waters, for concurrence in House Amendments No. 1 and No. 2.

The Senate concurs in House Amendments No. 1 and No. 2, (45-0) and the Committee Substitute bill is ordered enrolled.

S.B. 1506 (House Committee Substitute), a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases, and to provide that certain misdemeanants may be paroled and placed under house arrest, for concurrence in the House Committee Substitute bill.

On motion of Senator Johnson of Cabarrus the House Committee Substitute bill is taken from the Calendar for today and is placed on the Calendar for tomorrow, July 18, for consideration.

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to impose a minimum fee under that local act or to convert the district to a rural fire protection district, upon third reading, temporarily displaced earlier, with the motion to recommit the measure to the **Finance Committee** pending.

Senator Carpenter offers a motion to postpone further consideration until tomorrow, July 18, which motion the Chair rules out of order.

Senator Carpenter consequently offers a motion to reconsider the vote by which the motion of Senator Winner to postpone further consideration until tomorrow, July 18, failed to prevail, which motion prevails, and the question becomes the motion to postpone further consideration until tomorrow, July 18..

With unanimous consent the Chair orders the measure placed upon the Calendar for tomorrow, July 18, for further consideration, upon third reading.

WITHDRAWAL FROM CALENDAR

S.B. 1380, a bill to provide for a strawberry assessment.

On motion of Senator Murphy, the rules are suspended, and the bill is taken from the Calendar for tomorrow and placed before the Senate for immediate consideration, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow, July 18, for further consideration, upon third reading.

CALENDAR (Continued)

S.B. 1624, a bill to require people to be licensed to practice electrology, temporarily displaced earlier.

The bill passes its second (43-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

RECALL TO CALENDAR

H.B. 2353 (Committee Substitute No. 2), a bill to establish fees for processing applications for permits and to improve permit processing and compliance under the Coastal Area Management Act.

On motion of Senator Staton, the Committee Substitute bill No. 2, with unanimous consent, is returned from the Calendar of July 18 and is placed before the Senate for immediate consideration, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, July 18, for further consideration, upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1481 (Committee Substitute), a bill to authorize Pender County and Surf City to collect certain fees in the same manner as *ad valorem* taxes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1481** (House Committee Substitute), a bill to authorize Haywood and Pender Counties and Surf City to collect certain fees in the same manner as *ad valorem* taxes.

Referred to **Finance Committee.**

S.B. 1434, a bill to allow Duplin County to convey certain property in exchange for other property, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1434** (House Committee Substitute), a bill to allow Duplin County to convey certain property in exchange for other property, to allow the Town of Warsaw to extend its extraterritorial zoning over an additional area, and to eliminate the requirement of a public hearing by the County of Duplin prior to an already executed contract.

Referred to **Local Government and Regional Affairs Committee.**

S.B. 1363, a bill to modify the time allowed for filing certain property tax appeals and to make technical corrections to the property tax statutes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1363**, (House Committee Substitute), a bill to modify the time allowed for filing certain property tax appeals, to make the penalty for submitting a bad check in payment of property taxes the same as for submitting a bad check in payment of other taxes, and to make technical corrections to the property tax statutes.

Referred to **Finance Committee.**

H.B. 2190, a bill to authorize Anson and Montgomery Counties to collect certain fees in the same manner as *ad valorem* taxes.
Referred to **Finance Committee**.

H.B. 2405 (Committee Substitute), a bill to consolidate, clarify, and improve the statutes relating to railroad/motor vehicle safety.
Referred to **Transportation Committee**.

S.B. 113 (Committee Substitute), a bill to clarify the authority of counties and cities to adopt ordinances regulating local solid waste management, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 113** (House Committee Substitute), a bill to clarify the authority of counties and cities to adopt ordinances regulating local solid waste management, to clarify a limitation on the authority of counties to levy solid waste disposal fees, and to clarify the definition of municipal solid waste as it applies to municipal solid waste reduction goals.
Referred to **Environment and Natural Resources Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1450

House of Representatives
July 17, 1990

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment No. 1 to SB. No. 1450, A BILL TO BE ENTITLED AN ACT RELATING TO THE MANNER OF FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS OF ASHE, SURRY, WATAUGA, GASTON, AND LINCOLN COUNTIES, the Speaker has appointed as conferees on the part of the House, Representatives Dawkins, Lail, Rhyne and Abernethy to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1223 (Senate Committee Substitute), a bill to provide additional time for the development of water supply watershed classifications and for the classification of existing water supply watersheds and to delay the development of new sanitary landfills for the disposal of nonhazardous solid waste in water supply watersheds for which a petition for reclassification is pending until the classification of such watersheds is completed.

Pursuant to the message received from the House of Representatives on July 13 requesting conferees, Senator Daniel offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* appoints Senators Daniel (Chairman), Barker, Ballance, Cochrane, Smith, and Speed as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1205

House of Representatives
July 17, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 1205, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF COSMETIC ART EXAMINERS TO ISSUE A TEMPORARY EMPLOYMENT PERMIT TO PERSONS WHO HAVE APPLIED AND ARE QUALIFIED TO TAKE THE EXAMINATION FOR APPRENTICE COSMETOLOGIST, REGISTERED COSMETOLOGIST, OR REGISTRERED MANICURIST, and requests conferees. The Speaker has appointed Representatives Craven, Easterling, and Tart on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Harris offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* appoints Senators Harris (Chairman), Speed, Royall, and Cochrane as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1426

House of Representatives
July 17, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has dismissed Representative Woodard as a conferee, due to illness, and has appointed Representative Ann Barnes as conferee on the House Comm. Sub. to SB No. 1426, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1990-91 FISCAL YEAR AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE,

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Barnes, President *Pro Tempore*, announces additional conferees on the part of the Senate and appoints Senator Martin of Guilford and Senator Ward. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Barnes, seconded by Senator Sherron, the Senate adjourns at 3:25 P.M. to meet tomorrow, July 18, at 2:00 P.M.

ONE HUNDRED SIXTY-FIFTH DAY

SENATE CHAMBER,
Wednesday, July 18, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend H. H. Murrill, Minister of Calvary Baptist Church, Ahoskie, as follows:

"Lord our God, we remember Thy promise that wheresoever two or three are gathered together in Thy Name, there Thou art in the midst of them. We claim that promise today, and pray that each one of us may be aware of Thy presence, for Thou knowest our needs and how inadequate we feel ourselves to be in the presence of world problems and the challenges of this hour. If Thou wilt help us, o Lord, then we shall be better than we are, wiser than we know, and stronger than we dream.

"In this prayer, we bring unto Thee the Members of this Body, its officers and its servants, for Thy blessing; men who feel the weight of responsibility and the need of divine guidance; men who often are sorely tempted and who need the support of Thy grace. Bestow upon them the courage to do the right as Thou hast given them to see the right, and make it clear unto us all. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Johnson of Wake, who is attending the National Conference of Insurance Legislators.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee**:

H.B. 950 (Committee Substitute), a bill to increase the fee for service of process in civil and criminal actions, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 19, for further consideration.

H.B. 2394 (Committee Substitute), a bill to provide for the filing of notices of liens, certificates, and other notices affecting various federal liens in the same manner as notices of federal tax liens, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 19, for further consideration.

WITHDRAWAL FROM COMMITTEE

H.B. 1269 (Senate Committee Substitute), a bill to provide that court orders and written agreements regarding medical support for minor children are valid

authorization to insurers to release information and process claims and to provide for review of the presumptive child support guidelines.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill is taken from the **Appropriations Committee** and is recommitted to the **Judiciary II Committee.**

COMMITTEE REPORTS (Continued)

By Senator Rauch for the **Finance Committee:**

S.B. 1363 (House Committee Substitute), a bill to modify the time allowed for filing certain property tax appeals, to make the penalty for submitting a bad check in payment of property taxes the same as for submitting a bad check in payment of other taxes, and to make technical corrections to the property tax statutes, with a favorable report as to concurrence.

S.B. 1481 (House Committee Substitute), a bill to authorize Haywood and Pender Counties and Surf City to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report as to concurrence.

H.B. 806, a bill to authorize the City of Raleigh to regulate stormwater, with a favorable report.

H.B. 2190, a bill to authorize Anson and Montgomery Counties to collect certain fees in the same manner as *ad valorem* taxes, with a favorable report.

H.B. 2241 (Committee Substitute), a bill revising and consolidating the Charter of Bessemer City, with a favorable report.

H.B. 2242 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Long View, with a favorable report.

CONFERENCE REPORT

H.B. 2081

Senator Rauch for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 2081**, a bill to provide that the City of Gastonia may, by unanimous vote of the full membership of the City Council, increase the vehicle tax levied in the City from five dollars to no more than fifteen dollars, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM VEHICLE TAX THAT CAN BE LEVIED IN THE CITY OF GASTONIA FROM FIVE DOLLARS TO FIFTEEN DOLLARS, wish to report as follows:

The Senate recedes from Senate Amentment #1.
The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

July 18, 1990

This the day of

S/Marshall A. Rauch, Chairman
S/Ollie Harris
S/Helen Rhyne Marvin

Conferees on the part of the Senate

S/J. Vernon Abernethy, Chairman
S/W. W. Dickson
S/Doris L. Lail
S/Johnathan L. Rhyne, Jr.

Conferees on the part of the House of Representatives

The Conference Report which changes the title upon adoption is held to be material, and the submission of the Report constitutes the first reading of the measure.

The Conference Report remains on the Calendar for tomorrow, July 19, for adoption, upon second reading.

REPORTS OF COMMITTEES (Continued)

By Senator Winner for the **Rules and Operation of the Senate Committee:**

S.B. 1569, a bill to make appointments to public office upon the recommendation of the President *Pro Tempore* of the Senate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Winner, the Committee Substitute bill is placed on the Calendar for tomorrow, July 19, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Odom offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Odom:

S.J.R. 1625, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to make the State income tax refund period the same as the federal income tax refund period.

On motion of Senator Odom, the joint resolution remains before the Senate for immediate consideration.

The joint resolution passes its second (42-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 155 (House Committee Substitute), an act to require certain municipalities which violate the conditions of court orders regarding the discharge of water from a wastewater treatment plant operated by such municipalities to pay full amount of the penalties specified in such orders, to amend other laws relating to effluent or emission standards and limitations, and to require that certain municipalities notify downstream units of local government whenever their wastewater treatment plant exceeds applicable effluent limitations or when untreated or partially treated wastewater is diverted so as to bypass the wastewater treatment plant. (Ch. 951)

S.B. 810 (House Committee Substitute), an act to amend the North Carolina Technological Development Authority's enabling legislation regarding the Incubator Facilities Program. (Ch. 952)

S.B. 1013 (House Committee Substitute), an act to establish a separate and unique law enforcement officer oath of office. (Ch. 953)

S.B. 1378 (Committee Substitute), an act to establish a moratorium on the transfer of waters. (Ch. 954)

S.B. 1383 (House Committee Substitute), an act enabling the County of Macon to establish an airport authority for the operation and maintenance of airport facilities in the County of Macon for the citizens of Macon County and vicinity and to allow the Rutherford Airport Authority to lease land to the State of North Carolina for a period not to exceed thirty years. (Ch. 955)

S.B. 1384, an act to redefine the corporate boundaries of the Town of Stokesdale. (Ch. 956)

S.B. 1419, an act to revise and consolidate the Charter of the City of Reidsville. (Ch. 957)

S.B. 1509 (House Committee Substitute), an act to authorize water column leases for aquaculture within recognized shellfish franchises and to delay action to terminate shellfish cultivation leases for one year. (Ch. 958)

S.B. 1616, an act to alter the manner for selecting drainage commissioners and to provide notice prior to assessment. (Ch. 959)

S.B. 1617, an act to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes. (Ch. 960)

H.B. 2197 (Senate Committee Substitute), an act to repeal an annexation of the Town of Leland. (Ch. 961)

H.B. 2227 (Senate Committee Substitute), an act to provide for acquisition of right-of-way by the Department of Transportation for location and relocation of utility infrastructure and to clarify the regulatory authority of the Utilities Commission with regard to natural gas. (Ch. 962)

H.B. 2280, an act to allow Dare County to establish a special leash law district, apply a leash law within that district, and levy a tax in that district for enforcement of the leash law. (Ch. 963)

H.B. 2338, an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill. (Ch. 965)

H.B. 2350, an act to conform the Social Service Statutes with the Federal Job Opportunities and Basic Skills Training Program and to preserve State funds. (Ch. 966)

H.B. 2356, an act to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws. (Ch. 967)

CALENDAR

Bills on the Calendar are taken up and disposed of as follows:

S.B. 1559 (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities, as amended, upon third reading.

Without objection, on motion of Senator Harris, the Committee Substitute bill No. 2 is taken from its regular order of business and on his further motion consideration of the Committee Substitute bill No. 2 is postponed until Friday, July 20.

WITHDRAWAL FROM COMMITTEE

H.B. 2129 (Committee Substitute), a bill relating to Cabarrus Memorial Hospital.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill is taken from the **Local Government and Regional Affairs Committee** and is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

CALENDAR (Continued)

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to impose a minimum fee under that local act or to convert the district to a rural fire protection district, upon third reading.

Without objection, on motion of Senator Carpenter, the Committee Substitute bill is temporarily displaced.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1337 (House Committee Substitute), a bill to make various technical amendments to the General Statutes and to the Session Laws and for other purposes, for concurrence in the House Committee Substitute bill.

Referred to **Constitution Committee.**

S.B. 1499 (House Committee Substitute), a bill to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program, for concurrence in the House Committee Substitute bill.

Recommitted to **Judiciary I Committee.**

CALENDAR (Continued)

H.B. 1028 (Committee Substitute), a bill to revise the election of presidential electors.

Without objection, on motion of Senator Taft, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the measure is recommitted to the **Election Laws Committee.**

H.B. 2136 (Committee Substitute), a bill to allow Durham County to create a special projects district as a separate political subdivision within the county for the

purpose of funding joint projects undertaken through interlocal cooperation agreements between the County of Durham, the City of Durham, and the Town of Chapel Hill to ensure proportional equality of city and county taxpayer participation and to allow an extension of time for Durham County Hospital Corporation to file an application for a sales and use tax refund, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Winner—41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 19, for further consideration, upon third reading.

S.B. 1414 (House Committee Substitute), a bill to authorize Burke, Gaston, Lee, Lenoir, and Washington Counties to collect certain fees in the same manner as *ad valorem* taxes, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 2278, a bill to modify the school funding procedures for Robeson County and to appoint members of the Board of Education for the public schools of Robeson County.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1380, a bill to provide for a strawberry assessment, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and on motion of Senator Murphy, without objection, sent to the House of Representatives by special messenger.

S.B. 1525, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon third reading.

On motion of Senator Royall, consideration of the bill is postponed until tomorrow, July 19.

S.B. 1526, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, upon third reading.

On motion of Senator Royall, consideration of the bill is postponed until tomorrow, July 19.

S.B. 1567, a bill to clarify the size of the site selected as the preferred site for the low-level radioactive waste disposal facility, and to impose a tax for the privilege of using a low-level radioactive waste facility operated pursuant to Chapter 104G of the General Statutes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and on motion of Senator Conder, without objection, sent to the House of Representatives by special messenger.

H.B. 2067 (Committee Substitute), a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 2138 (Committee Substitute), a bill to provide transitional adjustments relating to Subchapter S Corporations, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, to allow a tax credit for State income taxes paid on Government Retirement Benefits received in 1988, to provide that an extension of time for filing an income or franchise tax return is not an extension of time for paying the tax, and to reduce the threshold for payments of estimated corporate income tax, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: Senator Barker—1.

The Committee Substitute bill is ordered enrolled.

H.B. 2258 (Committee Substitute), a bill to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 2353 (Committee Substitute No. 2), a bill to establish fees for processing applications for permits and to improve permit processing and compliance under the Coastal Area Management Act, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, Wilson, and Winner—41.

Voting in the negative: Senator Basnight—1.

The Committee Substitute bill No. 2 is ordered enrolled.

H.B. 2398 (Committee Substitute), a bill to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, Wilson, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 1575 (Committee Substitute), a bill to increase the fee for filing a corporation's annual report with the Secretary of State, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 19, for further consideration, upon third reading.

H.B. 2207 (Senate Committee Substitute), a bill to remove the obsolete sales tax exemption for ice, upon second reading.

Senator Barker offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Carpenter, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: Senator Shaw—1.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 19, for further consideration, upon third reading.

H.B. 2213 (Committee Substitute), a bill clarifying the power of cities and counties to collect charges for the use of stormwater utilities, to give water and sewer authorities the power to operate and finance storm drainage systems, to direct the infrastructure study Commission to study whether each county needs multiple stormwater drainage systems, and to fund dispute resolution programs, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

Senator Winner offers Amendment No. 2 which is adopted (41-1). The Chair rules Amendment No. 2 material and adoption constitutes the first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 19, for further consideration, upon second reading.

H.B. 2321 (Committee Substitute), a bill to continue the Agricultural Finance Authority, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Conder, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: Senators Barker and Daughtry—2.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 19, for further consideration, upon third reading.

H.B. 2402 (Committee Substitute), a bill to expand the egg promotion tax to include processed eggs, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 19, for further consideration, upon third reading.

S.B. 1475 (Committee Substitute No. 2), a bill to set the amounts of the fees collected for proprietary school licensure and regulation.

The Committee Substitute bill No. 2 passes its second (34-11) and third readings and is ordered sent to the House of Representatives.

ADDITIONAL CONFEREES

Senator Barnes offers a motion that Rule 57 be suspended to allow more than twelve members to sit on the Conference Committee appointed July 11 and July 17 for **S.B. 1426** (House Committee Substitute), a bill to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other changes in the budget operation of the State, which motion prevails.

Senator Barnes appoints Senator Martin of Guilford and Senator Ward as additional conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 1404 (House Committee Substitute)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 1404** (House Committee Substitute), a bill to require consent of the Harnett, Haywood, Henderson, Jackson, Lee, Madison, Rockingham, Stokes, Swain, and Union County Boards of Commissioners before land in those Counties may be condemned or acquired by a unit of local government outside the County, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on "A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSENT OF THE HARNETT, HAYWOOD, HENDERSON, JACKSON, LEE, MADISON, ROCKINGHAM, STOKES, SWAIN, AND UNION COUNTY BOARDS OF COMMISSIONERS BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY", House Committee Substitute, Third Edition Engrossed, wish to report as follows:

The Senate concurs in the House Committee Substitute, third edition engrossed.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 18th day of July, 1990.

S/Sands	S/Donald Dawkins
S/Odom	S/Larry T. Justus
S/Franklin Block	S/Liston B. Ramsey
S/Winner	S/Clayton Loflin
S/Wilson	S/Peggy Wilson
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Sands, the Conference Report is adopted (41-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1404
House Committee Substitute

House of Representatives
July 18, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Comm. Sub. to SB. No. 1404, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSENT OF THE HARNETT, HAYWOOD, HENDERSON, JACKSON, LEE, MADISON, ROCKINGHAM, STOKES, SWAIN, AND UNION COUNTY BOARDS OF COMMISSIONERS BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled

On motion of Senator Barnes, the Senate recesses until 3:30 P.M. for the purpose of committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2331

House of Representatives
July 18, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment No. 2 to HB No. 2331, A BILL TO BE ENTITLED AN ACT TO INCREASE THE ANNUAL FEE PAID BY PERSONS LICENSED TO CONSTRUCT AND PERSONS WHO OPERATE NUCLEAR FACILITIES TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FOR PLANNING AND IMPLEMENTING EMERGENCY RESPONSE ACTIVITIES, and requests conferees. The Speaker has appointed Representatives Brawley, Perdue, and Arnold on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1291
Senate Committee Substitute

House of Representatives
July 18, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB No. 1291, A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF SMALL ESTATES BY THE CLERK OF SUPERIOR COURT AND A RELATED PROVISION OF THE INHERITANCE TAX LAW, and requests conferees. The Speaker has appointed Representatives Dawkins, Flaherty and Kennedy on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 2081

House of Representatives
July 18, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees in the Senate amendment to HB. No. 2081, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM VEHICLE TAX THAT CAN BE LEVIED IN THE CITY OF GASTONIA FROM FIVE DOLLARS TO FIFTEEN DOLLARS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Additional special messages are received from the House of Representatives, as follows:

S.B. 1620, a bill to provide the rules and procedure for municipal redistricting in 1991, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, July 19.

S.B. 766 (Committee Substitute), a bill to provide for certain vested property rights, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 766** (House Committee Substitute), a bill to provide that a vested right shall be established for two years, with provision for extension not to exceed five years, upon city or county approval of a site specific development plan and that a vested right shall be established not to exceed five years upon city or county approval of a phased development plan, which is placed on the Calendar for tomorrow, July 19.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities.

Pursuant to the message from the House of Representatives received earlier today requesting conferees, Senator Rauch offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Rauch (Chairman), Tally, Kincaid, and Guy as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Block offers a motion that Rule 40 be suspended to allow the introduction of the following Senate simple resolution filed today which motion prevails by a two-thirds majority vote.

By Senator Block:

S.R. 1627, a Senate simple resolution requesting the Attorney General to investigate the Willie M. case and seek its reopening, and requesting the State Auditor to do a special audit of the Willie M. program and report his findings to the Senate.

On motion of Senator Block, the Senate simple resolution is placed on the Calendar for tomorrow for adoption.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Local Government and Regional Affairs Committee**:

H.B. 2115, a bill to exempt Macon County from certain procedural requirements on disposal of land as an industrial park, with a favorable report.

H.B. 2246, a bill to provide for staggered terms in the membership of the Simmons-Nott Airport Authority, with a favorable report, as amended.

S.B. 1375 (House Committee Substitute), a bill amending Chapter 296 of the Public-Local Laws of 1939, As Amended, with an unfavorable report as to concurrence.

On motion of Senator Sands, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (0-43).

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* appoints Senators Sands (Chairman), Kaplan, and Ward as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

By Senator Plyler for the **Ways and Means Committee**:

H.B. 2073, a bill to allow a sales tax exemption for fuel used by a small power producer to generate electricity, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H.B. 603, a bill to allow certain interstate motor carriers to file annual fuel use tax reports, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended, and the measure is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Plyler, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 19, for further consideration.

By Senator Soles for the **Judiciary II Committee**:

H.B. 1269 (Committee Substitute), a bill to establish the duties of parties ordered to provide medical support for dependent children and to provide that court orders and written agreements regarding medical support for dependent children are valid authorization to insurers for purposes of releasing information and processing claims, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 1269** (Senate Committee Substitute), a bill to provide that court orders and written agreements regarding medical support for minor children are valid authorization to insurers to release information and process claims and to provide for review of the presumptive child support guidelines, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, July 19, for further consideration.

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 113 (House Committee Substitute), a bill to clarify the authority of counties and cities to adopt ordinances regulating local solid waste management, to clarify a limitation on the authority of counties to levy solid waste disposal fees, and to clarify the definition of municipal solid waste as it applies to municipal solid waste reduction goals, with a favorable report as to concurrence.

By Senator Rauch for the **Finance Committee**:

S.B. 1348, a bill to exempt from income tax deferred compensation benefits received from a federal, state, or local deferred compensation plan, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1348** (Committee Substitute), a bill to provide that teachers may participate in the Public Employees' Deferred Compensation Plan, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Pensions and Retirement Committee**.

CONFERENCE REPORT

H.B. 2331

Senator Rauch, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 2331**, a bill to increase

the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on A BILL TO BE ENTITLED AN ACT TO INCREASE THE ANNUAL FEE PAID BY PERSONS LICENSED TO CONSTRUCT AND PERSONS WHO OPERATE NUCLEAR FACILITIES TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FOR PLANNING AND IMPLEMENTING EMERGENCY RESPONSE ACTIVITIES. wish to report as follows:

> The House concurs in Senate Amendment #2, with an additional amendment as follows: on page 1, line 12, strike through the words "no more than".

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 18th day of July, 1990.

S/Rauch	S/C. Robert Brawley
S/A.D. Guy	S/Beverly M. Perdue
S/Donald Kincaid	
S/Lura Tally	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The Conference Report is held to be material and submission of the Report constitutes the first reading of the measure.

The Conference Report remains on the Calendar for tomorrow, July 19, for adoption, upon second reading.

WITHDRAWAL FROM COMMITTEE

S.B. 1499 (House Committee Substitute), a bill to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program.

On motion of Senator Parnell, the rules are suspended, and the House Committee Substitute bill is taken from the **Judiciary I Committee** and placed on the Calendar for tomorrow, July 19, for concurrence.

POINT OF ORDER

H.B. 2213 (Committee Substitute), a bill clarifying the power of cities and counties to collect charges for the use of stormwater utilities, to give water and sewer authorities the power to operate and finance storm drainage systems, to direct the infrastructure study Commission to study whether each county needs multiple stormwater drainage systems, and to fund dispute resolution programs, as amended, calendared for tomorrow, July 19, upon second reading.

Senator Winner rises to a point of order as to the ruling of the Chair holding Amendment No. 2 to be material, and pursuant to Rule 10(a), Senator Winner offers

a motion to allow the House Committee Substitute bill, as amended, to be considered upon second reading today, which motion he subsequently withdraws.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, July 19, upon second reading.

CALENDAR (Continued)

H.B. 2260 (Senate Committee Substitute), a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources.

The Chair rules the Senate Committee Substitute bill requires a call of the roll pursuant to Article XIV Section 5 of the Constitution.

Senator Walker offers Amendment No. 1 which is adopted (44-0).

Receiving a three-fifths majority affirmative vote, the Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, July 19, for further consideration, upon third reading.

H.B. 2263 (Committee Substitute), a bill to require reporting to the Department of Administration of participation by disadvantaged businesses in public procurement contracts and to require the Department to collect, compile, and report the data, and to clarify the public bidding law for single-prime and separate-prime competitive bids.

On motion of Senator Sherron, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading (31-13).

Senator Sherron objects to the third reading of the measure and the Committee Substitute bill, as amended, remains on the Calendar for tomorrow, July 19, for further consideration, upon third reading.

S.B. 673 (House Committee Substitute), a bill to make changes in the practice of Funeral Service Act, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1365 (House Committee Substitute), a bill to repeal the inheritance tax exemption for federal retirement benefits, thereby making the tax treatment for federal retirement benefits the same as for State retirement benefits, and to authorize the Legislative Research Commission to study the inheritance tax exemptions, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1535 (Committee Substitute), a bill to establish fees for processing applications for approval of construction or removal of dams, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 1506 (House Committee Substitute), a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases, and to provide that certain misdemeanants may be paroled and placed under house arrest, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (4-39).

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

RECALL TO CALENDAR

H.B. 2260 (Senate Committee Substitute), a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources, as amended, and earlier today ordered placed on the Calendar for tomorrow, July 19, upon third reading.

On motion of Senator Walker, with unanimous consent, the Senate Committee Substitute bill, as amended, is withdrawn from the Calendar of July 19 and placed before the Senate for further consideration, upon third reading.

Receiving a three-fifths majority affirmative vote, the Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—43.

Voting in the negative: Senator Harris—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to

impose a minimum fee under that local act or to convert the district to a rural fire protection district, temporarily displaced earlier, upon third reading.

On motion of Senator Carpenter, further consideration of the bill is postponed until tomorrow, July 19.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1291 (Senate Committee Substitute), a bill concerning administration of small estates by the Clerk of Superior Court and a related provision of the Inheritance Tax Law.

Pursuant to the message from the House of Representatives received earlier today requesting conferees, Senator Barnes offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Barker (Chairman), Wilson, Ezzell, and Johnson of Cabarrus as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Barnes the Senate recesses until 6:00 P.M. for the purpose of receiving additional messages from the House of Representatives.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, who presides in the absence of the President of the Senate.

On motion of Senator Wilson, seconded by Senator Odom, the Senate recesses until 7:55 P.M. to further await messages from the House of Representatives.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, who presides in the absence of the President of the Senate.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 499 (Committee Substitute), a bill to provide for the completion of fire incident reports by fire departments and the availability of such reports to insurance companies, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 499** (House Committee Substitute), a bill to make various substantive and technical amendments to the insurance laws.

Referred to **Insurance Committee.**

S.B. 734, a bill to amend the General Rules of Pleadings to allow the claimant thirty days to respond to a request for a statement of the monetary relief sought, and to amend the Rules of Civil Procedure, summary judgment, to require that motions for summary judgment be accompanied by supporting affidavits, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read

S.B. 734 (House Committee Substitute), a bill to amend the General Rules of Pleadings to allow the claimant thirty days to respond to a request for a statement of the monetary relief sought and to modify procedures of the Judicial Standards Commission to provide for waiver of confidentiality under certain circumstances.

Referred to **Judiciary II Committee.**

S.B. 917, a bill to require the Commission for Health Services to adopt rules regulating the treatment and disposal of waste from portable toilets, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 917** (House Committee Substitute), a bill to require proper treatment and disposal of sewage and other waste from chemical and portable toilets.

Referred to **Environment and Natural Resources Committee.**

S.B. 1618, a bill to make releasing of motor vehicles unlawful, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 19.

H.B. 2117 (Committee Substitute), a bill to provide that food sold by religious organizations is exempt from tax.

Referred to **Finance Committee.**

H.B. 2257 (Committee Substitute No. 2), a bill to increase various fees and create new fees charged by the Department of Insurance; to amend the retaliatory premium tax law; to create, maintain, and appropriate money to the Department of Insurance Consumer Protection Fund; and to improve the financial stability of the State Property Fire Insurance Fund.

Referred to **Insurance Committee** and upon a favorable report re-referred to **Finance Committee.**

S.B. 1427 (House Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies and to make other changes in the budget operation of the State, for concurrence in the House Committee Substitute bill with Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, and failed Amendment No. 11 not engrossed. The Chair orders the House Committee Substitute bill with attachment and unengrossed amendments recommitted to the **Appropriations Committee.** (Pursuant to G.S. 143-15, the text of the attachment presented to the Senate appears in the Addendum.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1375
House Committee Substitute

House of Representatives
July 18, 1990

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to S.B. No. 1375, A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 296 OF THE PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, the Speaker has appointed as conferees on the part of the House, Representatives Dawkins, Kennedy, Rhodes, Gray, Burke, and Esposito to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

July 18, 1990

On motion of Senator Wilson, seconded by Senator Harris, the Senate adjourns at 8:10 P.M. to meet tomorrow, July 19, at 1:00 P.M.

ONE HUNDRED SIXTY-SIXTH DAY

SENATE CHAMBER,
Thursday, July 19, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, bring us to the forefront of our minds a lesson nature teaches us which was referred to earlier in this Chamber, that lightning is both startling and at times illuminating; and that thunder can be overwhelming and it certainly gets our attention, but it is the soft steady rain that gets the job done. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Swain, Senator Johnson of Wake, and Senator Richardson.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 1177 (Senate Committee Substitute), a bill to increase the criminal penalties for violations of the water quality, air quality, oil and hazardous substances control, and hazardous waste management programs that are knowingly and willfully committed or that involve knowing endangerment.

Without objection, on motion of Senator Winner, the Senate Committee Substitute bill is taken from its regular order of business and placed before the Senate for consideration.

The Chair announces a fiscal note has been received.

Senator Winner offers Amendment No. 1 which is adopted (37-1).

The Senate Committee Substitute bill, as amended, passes its second reading (45-2).

Senator Ezzell objects to the third reading of the measure and the Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, July 20, for further consideration, upon third reading.

H.B. 2394 (Senate Committee Substitute), a bill to provide for the filing of notices of liens, certificates, and other notices affecting various federal liens in the same manner as notices of federal tax liens, upon second reading.

Without objection, on motion of Senator Winner the Senate Committee Substitute bill is taken from its regular order of business and placed before the Senate for consideration.

Senator Winner offers Amendment No. 1 which is adopted (44-0).

Senator Winner offers Amendment No. 2 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Guy, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Wilson, and Winner—45.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 20, for further consideration, upon third reading.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee:**

H.B. 2173, a bill to increase the probation and parole supervision fees from fifteen to twenty dollars, with a favorable report.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 673 (House Committee Substitute), an act to make changes in the practice of Funeral Service Act. (Ch. 968)

S.B. 1340, an act to provide for the Election of the Board of Commissioners of Sampson County, to reflect the system adopted under a consent decree in the case of United States of America v. Sampson County Board of Commissioners. (Ch. 969)

S.B. 1365 (House Committee Substitute), an act to repeal the inheritance tax exemption for federal retirement benefits, thereby making the tax treatment for federal retirement benefits the same as for State retirement benefits, and to authorize the Legislative Research Commission to study the inheritance tax exemptions. (Ch. 970)

S.B. 1398, an act to codify the new method electing the Sampson County Board of Education established pursuant to the Federal Voting Rights Act. (Ch. 971)

S.B. 1400, an act to prohibit the hunting or transportation of deer from or by boat or floating device on a portion of the Tar River in Edgecombe County. (Ch. 972)

S.B. 1404 (House Committee Substitute), an act to require consent of the Harnett, Haywood, Henderson, Jackson, Lee, Madison, Rockingham, Stokes, Swain, and Union County Boards of Commissioners before land in those Counties may be condemned or acquired by a unit of local government outside the County. (Ch. 973)

S.B. 1414 (House Committee Substitute), an act to authorize Burke, Gaston, Lee, Lenoir, and Washington Counties to collect certain fees in the same manner as *ad valorem* taxes. (Ch. 974)

S.B. 1449, an act to change the filing period for the Leaksville Township Board of Education (Eden City School Administrative Unit). (Ch. 975)

S.B. 1535 (Committee Substitute), an act to establish fees for processing applications for approval of construction or removal of dams. (Ch. 976)

S.B. 1622, an act to provide that the probationary time between an interlocutory decree and final adoption order may be the same for private adoptions as those arranged by Social Services or a licensed child-placing agency. (Ch. 977)

H.B. 285 (Senate Committee Substitute), an act to make technical corrections to the Fire Sprinkler Contractor Licensing Act. (Ch. 978)

H.B. 685 (Senate Committee Substitute), an act to change the name of the North Carolina Human Relations Council to the North Carolina Human Relations Commission and to amend the Fair Housing Act to conform to federal requirements regarding fair housing laws and enforcement. (Ch. 979)

H.B. 1297, an act to provide for a procedure when the complete rezoning of a jurisdiction involves "down zoning." (Ch. 980)

H.B. 2067 (Committee Substitute), an act to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions. (Ch. 981)

H.B. 2129 (Committee Substitute), an act relating to Cabarrus Memorial Hospital. (Ch. 982)

H.B. 2132, an act to allow the Town of Kernersville to dispose of certain real property by private negotiation and sale. (Ch. 983)

H.B. 2138 (Committee Substitute), an act to provide transitional adjustments relating to Subchapter S Corporations, to correct an error that inadvertently disallowed deductions for some mortgage interest payments, to provide additional tax relief for taxpayers with dependents who are permanently and totally disabled, to allow a tax credit for State income taxes paid on Government Retirement Benefits received in 1988, to provide that an extension of time for filing an income or franchise tax return is not an extension of time for paying the tax, and to reduce the threshold for payments of estimated corporate income tax. (Ch. 984)

H.B. 2258 (Committee Substitute), an act to levy a one-time assessment on insurers that support the Mutual Workers' Compensation Security Fund. (Ch. 985)

H.B. 2278, a bill to modify the school funding procedures for Robeson County. (Ch. 986)

H.B. 2353 (Committee Substitute No. 2), an act to establish fees for processing applications for permits and to improve permit processing and compliance under the Coastal Area Management Act. (Ch. 987)

H.B. 2398 (Committee Substitute), an act to provide for the licensure of crematory operators and to establish the crematory authority within the Board of Mortuary Science. (Ch. 988)

H.B. 2073, an act to allow a sales tax exemption for fuel used by a small power producer to generate electricity. (Ch. 989)

S.J.R. 1625, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to make the State income tax refund period the same as the federal income tax refund period. (Res. 71)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ezzell for the **Constitution Committee**:

S.B. 1337 (House Committee Substitute), a bill to make various technical amendments to the General Statutes and to the Session Laws and for other purposes, with a favorable report, as to concurrence.

H.B. 2391 (Committee Substitute), a bill to increase the maximum fine for parking in a handicapped parking space and to require signs designating handicapped parking spaces to state the penalty for parking in the space in violation of the law, with a favorable report, as amended.

WITHDRAWAL FROM COMMITTEE

S.B. 1434 (House Committee Substitute), a bill to allow Duplin County to convey certain property in exchange for other property, to allow the Town of Warsaw to extend its extraterritorial zoning over an additional area, and to eliminate the requirement of a public hearing by the County of Duplin prior to an already executed contract.

On motion of Senator Sands, the rules are suspended, and the House Committee Substitute bill is taken from the **Local Government and Regional Affairs Committee** and is placed before the Senate for immediate consideration for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daughtry, Ezzell, Goldston, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—40.

Voting in the negative: None.

The measure remains on the Calendar for tomorrow, July 20, for concurrence in the House Committee Substitute bill, upon third reading.

CALENDAR (Continued)

S.B. 1525, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon third reading.

Without objection, on motion of Senator Royall, the bill is taken from its regular order of business and placed before the Senate for immediate consideration.

On motion of Senator Royall, the bill is postponed indefinitely.

S.B. 1526, a bill to amend the authorization for a wholly self-liquidating project for the University of North Carolina at Greensboro that was originally enacted by Chapter 806 of the 1987 Session Laws and was amended by Chapter 995 of the 1987 Session Laws, upon third reading.

Without objection, on motion of Senator Royall, the bill is taken from its regular order of business and placed before the Senate for immediate consideration.

On motion of Senator Royall, seconded by Senator Barnes, the bill is postponed indefinitely.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bill filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

S.B. 1626, a bill to provide that no insurance points and no surcharges may be assessed for certain speeding offenses over sixty-five miles per hour.

Referred to **Judiciary I Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 114, a bill to provide that a county landfill that is a public enterprise has conditional authority to charge a municipality located in that county a solid waste disposal fee, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 114** (House Committee Substitute), a bill to delay the issuance of air quality permits for new commercial medical waste incinerators and to prohibit the disposal of certain special nonhazardous wastes in incinerators.

On motion of Senator Harris, the House Committee Substitute bill is ordered held as received in the Office of the Principal Clerk without first reading, pending the presence of the Chairman of the **Rules and Operation of the Senate Committee**.

On motion of Senator Barnes the Senate recesses until 4:00 P.M. for the purpose of committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

S.B. 766 (House Committee Substitute), a bill to provide that a vested right shall be established for two years, with provision for extension not to exceed five years, upon city or county approval of a site specific development plan and that a vested right shall be established not to exceed five years upon city or county approval of a phased development plan.

Without objection on motion of Senator Conder, the House Committee Substitute bill is taken from its regular order of business and placed before the Senate for immediate consideration.

The Senate concurs in the measure (36-0) and the House Committee Substitute bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 2117 (Committee Substitute), a bill to provide that food sold by religious organizations is exempt from tax, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Sands offers a motion that the rules be suspended to allow all bills filed for introduction presented to the Senate, read the first time and referred to committee,

which motion prevails and the following bill filed for introduction today is presented to the Senate and disposed of as follows:

By Senators Odom, Allran, Ballance, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daughtry, Ezzell, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Wilson, and Winner:

S.B. 1628, a bill to make the State income tax refund period the same as the federal income tax refund period.

Referred to **Finance Committee**.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

S.B. 499 (House Committee Substitute), a bill to make various substantive and technical amendments to the insurance laws, with a favorable report as to concurrence.

H.B. 2257 (Committee Substitute No. 2), a bill to increase various fees and create new fees charged by the Department of Insurance; to amend the retaliatory premium tax law; to create, maintain, and appropriate money to the Department of Insurance Consumer Protection Fund; and to improve the financial stability of the State Property Fire Insurance Fund, with a favorable report, as amended.

On motion of Senator Parnell, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

CALENDAR (Continued)

H.B. 2081, a bill to provide that the City of Gastonia may, by unanimous vote of the full membership of the City Council, increase the vehicle tax levied in the City from five dollars to no more than fifteen dollars, Conference Report submitted July 18 for adoption, upon second reading.

The Conference Report is adopted on its second reading by roll-call vote, ayes 34, noes 1, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Rauch, Raynor, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Wilson—34.

Voting in the negative: Senator Royall—1.

The Conference Report is ordered placed on the Calendar for tomorrow, July 20, for adoption, upon third reading.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

S.B. 1598 (Committee Substitute), a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, and to provide an increase to retirees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, with a favorable report.

On motion of Senator Marvin, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Without objection, on motion of Senator Block the Committee Substitute bill is temporarily displaced.

H.B. 1679 (Committee Substitute), a bill to provide early intervention, developmental services, and education to handicapped children from birth to five years of age, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Royall, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Royall, the Senate Committee Substitute bill remains before the Senate for further consideration.

The Senate Committee Substitute bill passes its second (40-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 917 (House Committee Substitute), a bill to require proper treatment and disposal of sewage and other waste from chemical and portable toilets, with an unfavorable report as to concurrence.

On motion of Senator Tally, the rules are suspended and the House Committee Substitue bill is placed before the Senate for immediate consideration and on her subsequent motion is temporarily displaced.

CALENDAR (Continued)

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities, Conference Report submitted July 18 for adoption, upon second reading.

The Conference Report is adopted on its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, and Wilson—40.

Voting in the negative: None.

The Conference Report is ordered placed on the Calendar for tomorrow, July 20, for adoption, upon third reading.

S.R. 1627, a Senate simple resolution requesting the Attorney General to investigate the Willie M. case and seek its reopening, and requesting the State Auditor to do a special audit of the Willie M. program and report his findings to the Senate, for adoption.

Senator Harris offers Amendment No. 1 which is adopted (24-15), changing the title to read **S.R. 1627**, a Senate simple resolution requesting the Mental Health Study

Commission to investigate the Willie M. case and requesting the State Auditor to do a special audit of the Willie M. program and report his findings to the Senate.

On motion of Senator Block, the Senate Simple Resolution is adopted (42-1) and ordered engrossed. (The text of this resolution appears in the Appendix.)

WITHDRAWAL FROM CALENDAR

H.B. 2173, a bill to increase the probation and parole supervision fees from fifteen to twenty dollars.

Senator Soles offers a motion that the bill be taken from the Calendar for tomorrow, July 20, and re-referred to the **Finance Committee**, pursuant to Rule 42.

Senator Rauch offers a substitute motion to the end the rules are suspended to allow the bill to remain on the Calendar for tomorrow, July 20, for consideration, which motion prevails. The bill remains on the Calendar for July 20.

CALENDAR (Continued)

H.B. 2136 (Committee Substitute), a bill to allow Durham County to create a special projects district as a separate political subdivision within the county for the purpose of funding joint projects undertaken through interlocal cooperation agreements between the County of Durham, the City of Durham, and the Town of Chapel Hill to ensure proportional equality of city and county taxpayer participation and to allow an extension of time for Durham County Hospital Corporation to file an application for a sales and use tax refund, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Wilson—36.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1447 (Committee Substitute No. 2), an act to repeal the annexation ordinance of the Town of Andrews. (Ch. 990)

H.B. 345 (Committee Substitute), an act to consolidate into one form all absentee ballot application forms and to make other changes in the law affecting absentee ballots. (Ch. 991)

H.B. 606 (Senate Committee Substitute), an act to make certain powers of attorney durable as defined in G.S. 32A-8. (Ch. 992)

H.B. 899 (Committee Substitute), an act to allow Randolph County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts. (Ch. 993)

H.B. 2288 (Committee Substitute), an act to provide that both felons and misdemeanants shall be eligible for intensive probation and parole. (Ch. 994)

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel, Vice-Chairman, for the **Judiciary I Committee**:

H.B. 2284 (Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Daniel, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 20, for further consideration.

CALENDAR (Continued)

H.B. 2276, a bill to allow the Board of Commissioners of Macon County to call an election within fire districts created under a local act to give voters the choice either to impose a minimum fee under that local act or to convert the district to a rural fire protection district, upon third reading.

On motion of Senator Carpenter, the bill is recommitted to the **Local Government and Regional Affairs Committee**.

H.B. 2190, a bill to authorize Anson and Montgomery Counties to collect certain fees in the same manner as *ad valorem* taxes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Hardin, Harris, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Wilson—36.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 20, for further consideration, upon third reading.

H.B. 2241 (Committee Substitute), a bill revising and consolidating the Charter of Bessemer City, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Hardin, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, and Ward—36.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 20, for further consideration, upon third reading.

H.B. 2242 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Long View, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Daniel, Daughtry, Ezzell, Goldston, Hardin, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, and Ward—38.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 20, for further consideration, upon third reading.

S.B. 917 (House Committee Substitute), a bill to require proper treatment and disposal of sewage and other waste from chemical and portable toilets, for concurrence in House Committee Substitute bill, temporarily displaced earlier.

The Senate fails to concur in the House Committee Substitute bill (4-34).

Senator Tally offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Tally (Chairman), Johnson of Cabarrus, Taft, and Block as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CONFERENCE REPORT

H.B. 1223 (Senate Committee Substitute)

Senator Daniel for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1223** (Senate Committee Substitute), a bill to provide additional time for the development of water supply watershed classifications and for the classification of existing water supply watersheds and to delay the development of new sanitary landfills for the disposal of nonhazardous solid waste in water supply watersheds for which a petition for reclassification is pending until the classification of such watersheds is completed, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for House Bill 1223, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL TIME FOR THE DEVELOPMENT OF WATER SUPPLY WATERSHED CLASSIFICATIONS AND FOR THE CLASSIFICATION OF EXISTING WATER SUPPLY WATERSHEDS AND TO DELAY THE DEVELOPMENT OF NEW SANITARY LANDFILLS FOR THE DISPOSAL OF NONHAZARDOUS SOLID WASTE IN WATER SUPPLY WATERSHEDS FOR WHICH A PETITION FOR RECLASSIFICATION IS PENDING UNTIL THE CLASSIFICATION OF SUCH WATERSHEDS IS COMPLETED, wish to report as follows:

The House concurs in the Senate Committee Substitute, Fourth Edition Engrossed, with an amendment as follows:

> Delete the entire Senate Committee Substitute, Fourth Edition Engrossed, and substitute the attached proposed Conference Committee Substitute PCCS 1403.

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

July 19, 1990

This the 19th day of July, 1990.

S/Frank W. Ballance, Jr.	S/Fred Bowman
S/Bill Barker	S/Harry Grimmer
S/Betsy L. Cochrane	S/Joe Hackney
S/George B. Daniel	S/Bertha M. Holt
S/Paul S. Smith	S/R. Samuel Hunt, III
S/James D. Speed	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The text of the attached proposed Conference Committee Substitute bill, PCCS 1403, is as follows:

A BILL TO BE ENTITLED

AN ACT TO DELAY THE DEVELOPMENT OF NEW SANITARY LANDFILLS FOR THE DISPOSAL OF NONHAZARDOUS SOLID WASTE IN WATER SUPPLY WATERSHEDS FOR WHICH A PETITION FOR RECLASSIFICATION IS PENDING UNTIL THE CLASSIFICATION OF SUCH WATERSHEDS IS COMPLETED.

The General Assembly of North Carolina enacts:

Section 1. This section shall apply to any new sanitary landfill for the disposal of nonhazardous solid waste which is proposed to be located within the watershed of any of the surface waters of the State which are assigned water supply classifications (WS-I, WS-II, or WS-III) under rules adopted by the Environmental Management Commission and for which there is pending on 30 June 1990 a petition for reclassification of such waters to a more protective classification. The Department of Environment, Health, and Natural Resources shall not approve an application for a permit for any such new sanitary landfill until the Environmental Management Commission has adopted water supply watershed classifications and management requirements and has completed the classification of all existing water supply watersheds as required by Section 5 of Chapter 426 of the 1989 Session Laws. This section shall not apply to any application for a permit for a sanitary landfill which was filed prior to 1 July 1990.

Sec. 2. This act is effective upon ratification.

On motion of Senator Daniel, the Conference Report is adopted (37-1) which changes the title upon a like action by the House of Representatives to read **H.B. 1223** (Conference Report), a bill to delay the development of new sanitary landfills for the disposal of nonhazardous solid waste in water supply watersheds for which a petition for reclassification is pending until the classification of such watersheds is completed. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1223	House of Representatives
(Senate Committee Substitute)	July 19, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on HB No. 1223, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL TIME FOR THE DEVELOPMENT OF WATER SUPPLY WATERSHED CLASSIFICATIONS AND FOR THE CLASSIFICATION OF EXISTING WATER SUPPLY WATERSHEDS AND TO DELAY THE DEVELOPMENT OF NEW SANITARY LANDFILLS FOR THE

DISPOSAL OF NONHAZARDOUS SOLID WASTE IN WATER SUPPLY WATERSHEDS FOR WHICH A PETITION FOR RECLASSIFICATION IS PENDING UNTIL THE CLASSIFICATION OF SUCH WATERSHEDS IS COMPLETED, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

CONFERENCE REPORT

H.B. 1205 (Senate Committee Substitute)

Senator Harris for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1205** (Senate Committee Substitute), a bill to require the State Board of Cosmetic Art Examiners to issue a temporary employment permit to persons who have applied and are qualified to take the examination for apprentice cosmetologist, registered cosmetologist, or registered manicurist, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for House Bill 1205 (Third Edition), A BILL TO BE ENTITLED AND ACT TO REQUIRE THE STATE BOARD OF COSMETIC ART EXAMINERS TO ISSUE A TEMPORARY EMPLOYMENT PERMIT TO PERSONS WHO HAVE APPLIED AND ARE QUALIFIED TO TAKE THE EXAMINATION FOR APPRENTICE COSMETOLOGIST, REGISTERED COSMETOLOGIST, OR REGISTERED MANICURIST, wish to report as follows:

that the House concurs in the Senate Committee Substitute (3rd edition) with the following amendments:

1. Amend page 1, lines 5 through 6, which amends the title, by rewriting said lines to read:
"EXAMINATION FOR APPRENTICE COSMETOLOGIST OR REGISTERED COSMETOLOGIST.";

2. Amend page 1 lines 11 through 18, by rewriting said lines to read:
"(a) Any person who has completed the classroom hour requirements under this Chapter for registration as a cosmetologist or an apprentice cosmetologist, has applied and is qualified to take the State Board examination for registration as a cosmetologist or an apprentice cosmetologist, and has otherwise complied with this section may apply to the Board of Cosmetic Art Examiners for a temporary permit to be employed and engage in the practice of cosmetology under the direct supervision of a registered cosmetologist.";

3. Amend page 2, lines 8 through 9, by rewriting said lines to read: "as a cosmetologist or apprentice cosmetologist.; and

4. Amend page 3, line 4, by rewriting said line to read: "subdivisions (3), (3a), (4), (6) and (7).".

And the Senate agrees to the same.

July 19, 1990

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 19th day of July, 1990.

S/Ollie Harris	S/James M. Craven
S/James D. Speed	S/Ruth M. Easterling
S/Kenneth C. Royall, Jr.	S/John L. Tart
S/Betsy Cochrane	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Harris, the Conference Report is adopted (38-0) which changes the title, upon a like action by the House of Representatives, to read **H.B. 1205** (Senate Committee Substitute), a bill to require the State Board of Cosmetic Art Examiners to issue a temporary employment permit to persons who have applied and are qualified to take the examination for apprentice cosmetologist or registered cosmetologist. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 734 (House Committee Substitute), a bill to amend the General Rules of Pleadings to allow the claimant thirty days to respond to a request for a statement of the monetary relief sought and to modify procedures of the Judicial Standards Commission to provide for waiver of confidentiality under certain circumstances.

On motion of Senator Soles, the rules are suspended, and the House Committee Substitute bill is taken from the **Judiciary II Committee** and is placed before the Senate for immediate consideration, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (35-0), and the House Committee Substitute bill is ordered enrolled.

CALENDAR (Continued)

Without objection, on motion of Senator Barnes, the following bills are taken out of their regular order of business and placed before the Senate for immediate consideration—**S.B. 1575, H.B. 2207, H.B. 2321, H.B. 2402, H.B. 950, and H.B. 2213.**

S.B. 1575 (Committee Substitute), a bill to increase the fee for filing a corporation's annual report with the Secretary of State, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Wilson—42.

Voting in the negative: None.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 2207 (Senate Committee Substitute), a bill to remove the obsolete sales tax exemption for ice, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Wilson—41.

Voting in the negative: Senator Shaw—1.

The Senate Committee Substitute bill, as amended, is ordered, without objection, engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 2321 (Committee Substitute), a bill to continue the Agricultural Finance Authority, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—40.

Voting in the negative: Senators Barker, Daughtry, and Johnson of Cabarrus—3.

The Committee Substitute bill is ordered enrolled.

H.B. 2402 (Committee Substitute), a bill to expand the egg promotion tax to include processed eggs, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 33, noes 7, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Goldston, Guy, Hardin, Hunt of Durham, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Royall, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, and Walker—33.

Voting in the negative: Senators Johnson of Cabarrus, Kaplan, Sands, Shaw, Tally, Ward and Wilson—7.

The Committee Substitute bill is ordered enrolled.

H.B. 950 (Senate Committee Substitute), a bill to increase the fee for service of process in civil and criminal actions, upon second reading.

Senator Soles offers Amendment No. 1 which is adopted (40-0).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Guy, Hardin, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Ward, and Wilson—36.

Voting in the negative: Senator Bryan—1.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 20, for further consideration, upon third reading.

CONFERENCE REPORT

H.B. 1291 (Senate Committee Substitute)

Senator Barker for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1291** (Senate Committee

Substitute), a bill concerning administration of small estates by the Clerk of Superior Court and a related provision of the Inheritance Tax Law, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for House Bill 1291, A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF SMALL ESTATES BY THE CLERK OF SUPERIOR COURT AND A RELATED PROVISION OF THE INHERITANCE TAX LAW, wish to report as follows:

The House concurs in the Senate Committee Substitute with two additional amendments:

(1) on page 2, lines 27 and 28 by striking through the word "or" on line 27 and deleting the word "devisees" on line 28; and

(2) on page 2, line 35 by rewriting that line to read:
"Sec. 2. G.S. 105-24 reads as rewritten:
'§ 105-24. Access to safe deposits of decedents; withdrawal of bank deposits, etc., payable to either husband or wife or survivor."

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 19th day of July, 1990.

S/Bill Barker
S/Jim Johnson
S/Connie Wilson
S/J. Ezzell

Conferees on the part of the Senate

S/Donald Dawkins
S/David T. Flaherty, Jr.
S/Annie B. Kennedy

Conferees on the part of the House of Representatives

On motion of Senator Barker, the Conference Report is adopted (36-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 2213 (Committee Substitute), a bill clarifying the power of cities and counties to collect charges for the use of stormwater utilities, to give water and sewer authorities the power to operate and finance storm drainage systems, to direct the infrastructure study Commission to study whether each county needs multiple stormwater drainage systems, and to fund dispute resolution programs, as amended, upon second reading.

On motion of Senator Lee, consideration of the Committee Substitute bill, as amended, is postponed until tomorrow, July 20.

S.B. 1598 (Committee Substitute), a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, and to provide an increase to retirees of the Teachers' and State Employees' Retirement System, the

Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, temporarily displaced earlier.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Marvin: "I am a beneficiary of State and Teachers Retirement System."

Senator Ward: "receiving retirement benefits."

Senator Tally: "former teacher on retirement system."

Senator Block offers Amendment No. 1 which is adopted (36-0).

The Committee Substitute bill, as amended, passes its second (36-0) and third readings and is ordered, without objection, engrossed and sent to the House of Representatives by special messenger.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1506 (House Committee Substitute), a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases, and to provide that certain misdemeanants may be paroled and placed under house arrest.

The motion of Senator Sands, prevailing on July 18, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Parnell (Chairman), Sands, Johnson of Cabarrus, and Guy as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

S.B. 1481 (House Committee Substitute), a bill to authorize Haywood and Pender Counties and Surf City to collect certain fees in the same manner as *ad valorem* taxes, for concurrence in the House Committee Substitute bill, upon second reading.

Without objection, on motion of Senator Barnes, the House Committee Substitute bill is taken from its regular order of business and placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Taft, Tally, Walker, Ward, and Wilson—39.

Voting in the negative: None.

The measure is ordered placed on the Calendar for tomorrow, July 20, for concurrence in the House Committee Substitute bill, upon third reading.

RECALL FROM OFFICE OF PRINCIPAL CLERK

S.B. 817 (House Committee Substitute), a bill to provide that possession of materials containing a visual representation of a minor engaging in sexual activity is a felony, received for concurrence on June 12 and ruled not germane upon a point of order raised.

Senator Wilson offers a motion that the rules be suspended to recall the House Committee Substitute bill from the Office of the Principal Clerk for consideration upon concurrence, which motion prevails.

The House Committee Substitute bill is presented to the Senate, read, and upon motion of Senator Wilson referred to the **Judiciary III Committee**.

CALENDAR (Continued)

H.B. 806, a bill to authorize the City of Raleigh to regulate stormwater.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 2115, a bill to exempt Macon County from certain procedural requirements on disposal of land as an industrial park.

Without objection, the bill is taken from its regular order of business and placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H.B. 2246, a bill to provide for staggered terms in the membership of the Simmons-Nott Airport Authority.

On motion of Senator Sands, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 2246**, a bill to provide for staggered terms in the membership of the Simmons-Nott Airport Authority, to change the name of that authority to the Craven County Regional Airport Authority, and to change the name of the Simmons-Nott Airport to the Craven County Regional Airport.

On motion of Senator Sands, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

S.B. 1363 (House Committee Substitute), a bill to modify the time allowed for filing certain property tax appeals, to make the penalty for submitting a bad check in payment of property taxes the same as for submitting a bad check in payment of other taxes, and to make technical corrections to the property tax statutes, for concurrence in the House Committee Substitute bill, upon second reading.

Without objection, the House Committee Substitute bill is taken from its regular order of business and placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, and Ward—40.

Voting in the negative: None.

The measure is ordered placed on the Calendar for tomorrow, July 20, for concurrence in the House Committee Substitute bill, upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 300 (House Committee Substitute), a bill to permit emergency medical service emergency support vehicles to have red lights and sirens, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 20.

S.B. 1467 (Committee Substitute), a bill to increase the fees that may be charged by the State Board of Barber Examiners, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1467** (House Committee Substitute), a bill to increase the fees that may be charged by the State

Board of Barber Examiners and the State Board of Examiners of Practicing Psychologists, which is placed on the Calendar for tomorrow, July 20.

S.B. 1486 (House Committee Substitute), a bill to provide that the Pender County Board of Education shall take office on the first day of July following its election, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 20.

H.B. 2297 (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives, which is placed on the Calendar for tomorrow, July 20.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1223

House of Representatives
July 19, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on HB No. 1223, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL TIME FOR THE DEVELOPMENT OF WATER SUPPLY WATERSHED CLASSIFICATIONS AND FOR THE CLASSIFICATION OF EXISTING WATER SUPPLY WATERSHEDS AND TO DELAY THE DEVELOPMENT OF NEW SANITARY LANDFILLS FOR THE DISPOSAL OF NONHAZARDOUS SOLID WASTE IN WATER SUPPLY WATERSHEDS FOR WHICH A PETITION FOR RECLASSIFICATION IS PENDING UNTIL THE CLASSIFICATION OF SUCH WATERSHEDS IS COMPLETED, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1506
(House Committee Substitute)

House of Representatives
July 19, 1990

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB No. 1506, A BILL TO BE ENTITLED AN ACT TO ALLOW JUDGES TO USE HOUSE ARREST AS A CONDITION OF SPECIAL PROBATION IN CERTAIN DWI CASES, AND TO PROVIDE THAT CERTAIN MISDEMEANANTS MAY BE PAROLED AND PLACED UNDER HOUSE ARREST, the Speaker has appointed as conferees on the part of the House, Representatives Barnes, Payne, Cooper and Privette to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

On motion of Senator Barnes, seconded by Senator Kaplan, the Senate adjourns at 5:40 P.M. to meet tomorrow, July 20, at 2:00 P.M.

ONE HUNDRED SIXTY-SEVENTH DAY

SENATE CHAMBER,
Friday, July 20, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Without work there is no need to dream. Without dreams there is no need to work.

"Father, for the dreamers and the planners, for those who motivate us to see beyond today to a better North Carolina, we give thanks; and for the workers, who diligently carry out the plans and work toward the goals we share, we give thanks.

"Finally, Father, remind us that the dreamer and the worker are not two different people but are one in the same. The key ingredient is timing. Give to us the wisdom to know when it is time to dream and plan, and when it is time to roll up our sleeves. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 19, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Johnson of Cabarrus, whose attendance is required in court, and to Senator Swain, Senator Kaplan, and Senator Richardson.

Senator Kaplan is noted present for a portion of today's Session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 734 (House Committee Substitute), an act to amend the General Rules of Pleadings to allow the claimant thirty days to respond to a request for a statement of the monetary relief sought and to modify procedures of the Judicial Standards Commission to provide for waiver of confidentiality under certain circumstances. (Ch. 995)

S.B. 766 (House Committee Substitute), an act to provide that a vested right shall be established for two years, with provision for extension not to exceed five years, upon city or county approval of a site specific development plan and that a vested right shall be established not to exceed five years upon city or county approval of a phased development plan. (Ch. 996)

S.B. 1439, an act to transfer the Veterans and Military Education Program from the Department of Community Colleges and the State Board of Community Colleges to the Board of Governors of the University of North Carolina. (Ch. 997)

H.B. 2115, an act to exempt Macon County from certain procedural requirements on disposal of land as an industrial park. (Ch. 998)

H.B. 2136 (Committee Substitute), an act to allow Durham County to create a special projects district as a separate political subdivision within the county for the purpose of funding joint projects undertaken through interlocal cooperation agreements between the County of Durham, the City of Durham, and the Town of Chapel Hill to ensure proportional equality of city and county taxpayer participation and to allow an extension of time for Durham County Hospital Corporation to file an application for a sales and use tax refund. (Ch. 999)

H.B. 2321 (Committee Substitute), an act to continue the Agricultural Finance Authority. (Ch. 1000)

H.B. 2402 (Committee Substitute), an act to expand the egg promotion tax to include processed eggs. (Ch. 1001)

S.B. 1084 (Committee Substitute), an act to conform the laws of North Carolina to the requirements of certain federal laws and constitutional principles. (Ch. 1002)

H.B. 1679 (Senate Committee Substitute), an act to provide early intervention, developmental services, and education to handicapped children from birth to five years of age. (Ch. 1003)

H.B. 2260 (Senate Committee Substitute), an act to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources. (Ch. 1004)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1446 (House Committee Substitute), a bill to revise and consolidate the Charter of the City of Newton, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Thursday, July 26.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1205
Senate Committee Substitute

House of Representatives
July 19, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Senate Comm. Sub. to HB. No. 1205, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF COSMETIC ART EXAMINERS TO ISSUE A TEMPORARY EMPLOYMENT PERMIT TO PERSONS WHO HAVE APPLIED AND ARE QUALIFIED TO TAKE THE EXAMINATION FOR APPRENTICE COSMETOLOGIST, REGISTERED COSMETOLOGIST, OR REGISTERED MANICURIST, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

July 20, 1990

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 2331 House of Representatives
July 20, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the H.B. No. 2331, A BILL TO BE ENTITLED AN ACT TO INCREASE THE ANNUAL FEE PAID BY PERSONS LICENSED TO CONSTRUCT AND PERSONS WHO OPERATE NUCLEAR FACILITIES TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FOR PLANNING AND IMPLEMENTING EMERGENCY RESPONSE ACTIVITIES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1291 House of Representatives
Senate Committee Substitute July 20, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Senate Comm. Sub. to HB No. 1291, A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF SMALL ESTATES BY THE CLERK OF SUPERIOR COURT AND A RELATED PROVISION OF THE INHERITANCE TAX LAW, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 917 House of Representatives
House Committee Substitute July 20, 1990

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB No. 917, A BILL TO BE ENTITLED AN ACT TO REQUIRE PROPER TREATMENT AND DISPOSAL OF SEWAGE AND OTHER WASTE FROM CHEMICAL AND PORTABLE TOILETS, the Speaker has appointed as conferees on the part of the House, Representatives Hackney, Warner and Craven to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Barnes offers a motion the rules be suspended to the end that all bills on the Calendar for today requiring a call of the roll pursuant to Article II, Section 23 of the *Constitution of North Carolina* be taken from their regular order of business and placed at the beginning of today's calendar.

The motion prevails, without objection.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

S.B. 1269, a bill to create the UNC Capital Budget Process Study Commission to review the current capital budget process for the University of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1269** (Committee Substitute), a bill authorizing the Legislative Research Commission to study the desirability and feasibility of providing State assistance for the law school loans of attorneys who graduate from law school in North Carolina and who are employed by the State or local government, is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Thursday, July 26, for further consideration.

By Senator Rauch for the **Finance Committee**:

H.B. 2257 (Committee Substitute No. 2), a bill to increase various fees and create new fees charged by the Department of Insurance; to amend the retaliatory premium tax law; to create, maintain, and appropriate money to the Department of Insurance Consumer Protection Fund; and to improve the financial stability of the State Property Fire Insurance Fund, with a favorable report.

On motion of Senator Rauch, the Committee Substitute bill No. 2 is re-referred to the **Appropriations Committee**.

By Senator Sands for the **Local Government and Regional Affairs Committee**:

H.B. 2234, a bill to provide for four-year staggered terms for the Board of Commissioners of the Town of Red Oak, with a favorable report.

On motion of Senator Sands, the rules are suspended, and the bill is placed at the end of the Calendar for today.

H.B. 2128, a bill to require consent of the Rockingham County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Rockingham County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 2128** (Senate Committee Substitute), a bill to require consent of the County Boards of Commissioners in several named counties before land in those Counties may be condemned or acquired by a unit of local government outside the County, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Senate Committee Substitute bill is adopted, and on his further motion is placed at the end of the Calendar for today, for further consideration.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Thursday, July 19, and pursuant to the motion prevailing earlier today, bills and resolutions on today's Calendar requiring a call of the roll are taken up and disposed of as follows:

H.B. 2081, a bill to provide that the City of Gastonia may, by unanimous vote of the full membership of the City Council, increase the vehicle tax levied in the City from five dollars to no more than fifteen dollars, Conference Report, submitted July 18 for adoption, upon third reading.

The Conference Report is adopted on its third reading by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—40.

Voting in the negative: Senator Royall—1.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 2331, a bill to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities, Conference Report submitted July 18 for adoption, upon third reading.

The Conference Report is adopted on its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barker, Barnes, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daniel, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—39.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of Such action.

H.B. 2190, a bill to authorize Anson and Montgomery Counties to collect certain fees in the same manner as *ad valorem* taxes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Lee, Martin of Pitt, Martin of Guilford, Murphy, Plyler, Rauch, Raynor, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 2241 (Committee Substitute), a bill revising and consolidating the Charter of Bessemer City, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Lee, Martin of Pitt, Martin of Guilford, Murphy, Plyler, Rauch, Raynor, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—36.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 2242 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Long View, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Lee, Martin of Pitt, Martin of Guilford, Murphy, Plyler, Rauch, Raynor, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—36.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 1434 (House Committee Substitute), a bill to allow Duplin County to convey certain property in exchange for other property, to allow the Town of Warsaw to extend its extraterritorial zoning over an additional area, and to eliminate the requirement of a public hearing by the County of Duplin prior to an already executed contract, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—41.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1481 (House Committee Substitute), a bill to authorize Haywood and Pender Counties and Surf City to collect certain fees in the same manner as *ad valorem* taxes, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—41.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1486 (House Committee Substitute), a bill to provide that the Pender County Board of Education shall take office on the first day of July following its election, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure, and the House Committee Substitute bill is ordered enrolled.

S.B. 1559 (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities, as amended, upon third reading.

On motion of Senator Rauch, the Committee Substitute bill No. 2, as amended, is recommitted to the **Finance Committee.**

H.B. 950 (Senate Committee Substitute), a bill to increase the fee for service of process in civil and criminal actions, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Lee, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered, without objection, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, with Amendment No. 1 unengrossed, by special messenger.

H.B. 2394 (Senate Committee Substitute), a bill to provide for the filing of notices of liens, certificates, and other notices affecting various federal liens in the same manner as notices of federal tax liens, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Royall, Sands, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and without objection, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 2173, a bill to increase the probation and parole supervision fees from fifteen to twenty dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—43.

Voting in the negative: Senator Ballance—1.

The bill is ordered placed on the Calendar for Thursday, July 26, for further consideration, upon third reading.

H.B. 2213 (Committee Substitute), a bill clarifying the power of cities and counties to collect charges for the use of stormwater utilities, to give water and sewer authorities the power to operate and finance storm drainage systems, to direct the Infrastructure Study Commission to study whether each county needs multiple stormwater drainage systems, and to fund dispute resolution programs, as amended, upon second reading.

Senator Lee offers Amendment No. 3 which is adopted (44-0), deleting Amendments No. 1 and No. 2 and changing the title to read **H.B. 2213** (Committee Substitute), a bill to instruct the Infrastructure Study Commission to study further the appropriate financing of local stormwater utilities and to authorize funding of dispute resolution programs.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall,

Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—44.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Thursday, July 26, for further consideration, upon third reading.

S.B. 1363 (House Committee Substitute), a bill to modify the time allowed for filing certain property tax appeals, to make the penalty for submitting a bad check in payment of property taxes the same as for submitting a bad check in payment of other taxes, and to make technical corrections to the property tax statutes, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, and Wilson—40.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1467 (House Committee Substitute), a bill to increase the fees that may be charged by the State Board of Barber Examiners of practicing psychologists, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Wilson—42.

Voting in the negative: None.

The measure is ordered placed on the Calendar for Thursday, July 26, for concurrence in the House Committee Substitute bill, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2375 (Committee Substitute), a bill to enact the 1990 Omnibus Drug Act. Referred to **Judiciary II Committee.**

RECONSIDERATION AND RECALL FROM THE OFFICE OF THE PRINCIPAL CLERK

S.B. 114 (House Committee Substitute), a bill to delay the issuance of air quality permits for new commercial medical waste incinerators and to prohibit the disposal of certain special nonhazardous wastes in incinerators, received on a message from the House of Representatives yesterday, July 19, and ordered held in the Office of the Principal Clerk upon motion.

Senator Harris offers a motion to reconsider the vote by which the motion prevailed to hold the House Committee Substitute bill in the Office of the Principal Clerk, pending the presence of the Chairman of the **Rules and Operation of the Senate Committee**, which motion prevails.

The House Committee Substitute bill is recalled from the Office of the Principal Clerk, presented to the Senate, and read, as follows:

S.B. 114, a bill to provide that a county landfill that is a public enterprise has conditional authority to charge a municipality located in that county a solid waste disposal fee, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 114** (House Committee Substitute), a bill to delay the issuance of air quality permits for new commercial medical waste incinerators and to prohibit the disposal of certain special nonhazardous wastes in incinerators.

On motion of Senator Harris, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Harris offers a motion that the House Committee Substitute bill be re-referred to the **Human Resources Committee**.

Without objection, the Chair temporarily displaces the House Committee Substitute bill, with the motion pending.

CALENDAR (Continued)

S.B. 1569 (Committee Substitute), a bill to make appointments to public office upon the recommendation of the President *Pro Tempore* of the Senate.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 603 (Senate Committee Substitute), a bill to allow certain interstate motor carriers to file annual fuel use tax reports.

Senator Goldston offers Amendment No. 1 which is adopted (44-0) changing the title, upon concurrence, to read **H.B. 603** (Senate Committee Substitute), a bill to allow certain interstate motor carriers to file annual fuel use tax reports and to allow certain users of diesel fuel to file annual rather than quarterly reports.

The Senate Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered, without objection, engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1269 (Senate Committee Substitute), a bill to provide that court orders and written agreements regarding medical support for minor children are valid authorization to insurers to release information and process claims and to provide for review of the presumptive child support guidelines.

Senator Sands offers Amendment No. 1 and subsequently requests to withdraw the Amendment.

The Chair rules the vote on Amendment No. 1 not announced, and with unanimous consent, Senator Sands withdraws Amendment No. 1.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 2263 (Committee Substitute), a bill to require reporting to the Department of Administration of participation by disadvantaged businesses in public procurement contracts and to require the Department to collect, compile, and report the data, and to clarify the public bidding law for single-prime and separate-prime competitive bids, as amended, upon third reading.

Senator Sherron offers Amendment No. 3 which is adopted (43-0).

Senator Bryan offers a motion that the Committee Substitute bill, as amended, be recommitted to the **State Government Committee**, which motion fails to prevail (8-33).

The Committee Substitute bill, as amended, passes its third reading (34-7) and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3 by special messenger.

INTRODUCTION OF RESOLUTION

Senator Barnes offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution filed today, which motion prevails by a two-thirds majority vote.

By Senator Barnes:

S.J.R. 1629, a joint resolution providing for adjournment of the General Assembly.

On motion of Senator Barnes, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (42-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee**:

H.B. 2375 (Committee Substitute), a bill to enact the 1990 Omnibus Drug Act, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted and remains before the Senate for further consideration.

Senator Daughtry offers Amendment No. 1 which is adopted (33-0).

Senator Daughtry offers Amendment No. 2, which Amendment he subsequently withdraws, with unanimous consent.

The Senate Committee Substitute bill, as amended, passes its second reading (36-1).

Senator Taft requests to be recorded voting "aye."

Senator Sands objects to the third reading of the measure and the Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for Thursday, July 26, for further consideration, upon third reading.

On motion of Senator Barnes, the Senate recesses until 5:45 P.M. for the purpose of Committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1363 (House Committee Substitute), an act to modify the time allowed for filing certain property tax appeals, to make the penalty for submitting a bad check in payment of property taxes the same as for submitting a bad check in payment of other taxes, and to make technical corrections to the property tax statutes. (Ch. 1005)

S.B. 1434 (House Committee Substitute), an act to allow Duplin County to convey certain property in exchange for other property, to allow the Town of Warsaw to extend its extraterritorial zoning over an additional area, and to eliminate the requirement of a public hearing by the County of Duplin prior to an already executed contract. (Ch. 1006)

S.B. 1481 (House Committee Substitute), an act to authorize Haywood and Pender Counties and Surf City to collect certain fees in the same manner as *ad valorem* taxes. (Ch. 1007)

S.B. 1486 (House Committee Substitute), an act to provide that the Pender County Board of Education shall take office on the first day of July following its election. (Ch. 1008)

S.J.R. 1629, a joint resolution providing for adjournment of the General Assembly. (Res. 72)

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Royall offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution filed today which motion prevails by a two-thirds majority vote.

By Senator Royall:

S.J.R. 1630, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution stating the long-term General Fund budget availability outlook and requesting that the State budget process be modified to provide a long-term analysis of State budget decisions.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (33-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **State Government Committee**:

S.B. 1579, a bill to stagger further the terms served by members of the Board of the State Ports Authority, to eliminate the Governor's ability to remove members of the Board of the State Ports Authority without cause, and to appropriate funds for the establishment of an air freight development office within the State Ports Authority, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1579** (Committee Substitute), a bill to stagger further the terms served by members of the Board of the State Ports Authority, to eliminate the Governor's ability to remove members of the Board of the State Ports Authority without cause, and to provide that the General Assembly may remove

members of the Board only for cause, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill is adopted, and on his further motion is placed at the end of today's Calendar.

By Senator Johnson of Wake for the **Judiciary III Committee**:

S.B. 817 (House Committee Substitute), a bill to provide that possession of materials containing a visual representation of a minor engaging in sexual activity is a felony, with a favorable report as to concurrence.

On motion of Senator Johnson of Wake, the rules are suspended and the House Committee Substitute bill is placed on the Calendar for today following **S.B. 1579**, for concurrence in the House Committee Substitute bill.

By Senator Block for the **Pensions and Retirement Committee**:

S.B. 1348 (Committee Substitute), a bill to provide that teachers may participate in the Public Employees' Deferred Compensation Plan, with a favorable report.

CALENDAR (Continued)

H.B. 1177 (Senate Committee Substitute), a bill to increase the criminal penalties for violations of the water quality, air quality, oil and hazardous substances control, and hazardous waste management programs that are knowingly and willfully committed or that involve knowing endangerment, as amended, upon third reading.

The Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

H.B. 2375 (Senate Committee Substitute), a bill to enact the 1990 Omnibus Drug Act, as amended, Calendared for July 26, upon third reading.

Senator Sands withdraws his objection to third reading and with unanimous consent, the Senate Committee Substitute bill, as amended, is withdrawn from the Calendar of Thursday, July 26, and placed before the Senate for further consideration, upon third reading.

Senator Sands offers Amendment No. 3 which is adopted (38-0).

The Senate Committee Substitute bill, as amended, passes its third reading (38-1).

The Chair orders the measure sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill without engrossment of Amendments No. 1 and No. 3, by special messenger, without objection.

H.B. 1177 (Senate Committee Substitute), a bill to increase the criminal penalties for violations of the water quality, air quality, oil and hazardous substances control, and hazardous waste management programs that are knowingly and willfully committed or that involve knowing endangerment, as amended, temporarily displaced earlier, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (37-1) and is ordered, without objection, engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

S.B. 113 (Committee Substitute), a bill to clarify the authority of counties and cities to adopt ordinances regulating local solid waste management, for concurrence in the House Committee Substitute bill, which changes the title upon concurrence to read **S.B. 113** (House Committee Substitute), a bill to clarify the authority of counties and cities to adopt ordinances regulating local solid waste management, to clarify a limitation on the authority of counties to levy solid waste disposal fees, and to clarify the

definition of municipal solid waste as it applies to municipal solid waste reduction goals.

The Senate concurs in the measure (39-0) and the House Committee Substitute bill is ordered enrolled.

H.B. 1269 (Senate Committee Substitute), a bill to provide that court orders and written agreements regarding medical support for minor children are valid authorization to insurers to release information and process claims and to provide for review of the presumptive child support guidelines, temporarily displaced earlier.

Senator Sands offers Amendment No. 2 which is adopted (38-0).

The Senate Committee Substitute bill, as amended, passes its second (38-0) and third readings and is ordered, without objection, engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

S.B. 1499 (House Committee Substitute), a bill to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program, for concurrence in House Committee Substitute bill.

The Senate concurs in the measure (36-0) and the House Committee Substitute bill is ordered enrolled.

S.B. 1618, a bill to make releasing of motor vehicles unlawful, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (38-0), and the bill is ordered enrolled.

S.B. 1620, a bill to provide the rules and procedure for municipal redistricting in 1991, for concurrence in House Amendments No. 1 and No. 2.

The Senate concurs in House Amendments No. 1 and No. 2 (38-0), and the bill is ordered enrolled.

S.B. 1612, a bill to provide for the licensure of crematory operators and to establish the Crematory Authority within the Board of Mortuary Science.

On motion of Senator Walker, the bill is postponed indefinitely.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1588 (House Committee Substitute), a bill to simplify the privilege license tax on restaurants, for concurrence in the House Committee Substitute bill.

Referred to **Finance Committee**.

S.B. 994 (House Committee Substitute), a bill to require the owner of a dangerous dog or potentially dangerous dog to take precautions against attacks by such dogs, to impose criminal penalties and civil liability upon the owner of a dangerous dog which attacks and causes serious bodily injury to a person, for concurrence in the House Committee Substitute bill.

On motion of Senator Odom, the House Committee Substitute bill is placed on the Calendar for Thursday, July 26, for consideration.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate and referred to committee, as follows: (See Appendix)

Executive Order Number 121, Governor's Minority, Female and Disabled-owned Businesses Construction Contractors Advisory Committee.
Referred to **State Government Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 114 (House Committee Substitute), a bill to delay the issuance of air quality permits for new commercial medical waste incinerators and to prohibit the disposal of certain special nonhazardous wastes in incinerators, received for concurrence in the House Committee Substitute bill and temporarily displaced earlier with a motion pending to refer to the **Human Resources Committee**.

Senator Staton rises to a point of parliamentary inquiry of the Chair as to the motion pending.

The Chair re-states the motion offered by Senator Harris that the House Committee Substitute bill be referred to the **Human Resources Committee**.

Senator Staton offers a motion to place the House Committee Substitute bill on the Calendar for Thursday, July 26, for consideration.

Senator Barker, seconded by Senator Kaplan, offers a motion that the Senate do now adjourn, which motion prevails.

The Senate stands adjourned at 6:00 P.M. to reconvene, pursuant to Resolution 72, on Thursday, July 26, at 3:30 P.M.

ONE HUNDRED SIXTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, July 26, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we acknowledge You as all knowing and mysterious. Your ways are not always our ways. At a time when we felt we needed to be here, another obligation called us to another place. Only You know how this pause has refreshed us, **in possibly a positive way, possibly** in reminding us of what we have in common as North Carolinians rather than what divides us.

"May the spirit of unity that was felt by and exhibited by all those in this Body who participated in the events in Asheville be transferred back to these deliberations, not just in perception but in reality. For safe travels and for much needed rest for us all, we thank You, Father. Amen."

Senator Royall, for the **Rules and Operation of the Senate Committee**, announces that the Journal of Friday, July 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Chalk due to a travel delay, and to Senator Swain, Senator Winner, and Senator Shaw.

Senator Shaw is noted present for a portion of today's session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 2331, an act to increase the annual fee paid by persons licensed to construct and persons who operate nuclear facilities to the Department of Environment, Health, and Natural Resources for planning and implementing emergency response activities. (Ch. 964)

S.B. 113 (House Committee Substitute), an act to clarify the authority of counties and cities to adopt ordinances regulating local solid waste management, to clarify a limitation on the authority of counties to levy solid waste disposal fees, and to clarify the definition of municipal solid waste as it applies to municipal solid waste reduction goals. (Ch. 1009)

S.B. 1499 (House Committee Substitute), an act to provide sentencing judges with the discretion to suspend a sentence to a term of imprisonment and place a youthful offender on probation, with the condition that the offender complete the IMPACT program. (Ch. 1010)

S.B. 1618, an act to make releasing of motor vehicles unlawful. (Ch. 1011)

S.B. 1620, an act to provide the rules and procedure for municipal redistricting in 1991. (Ch. 1012)

H.B. 1205 (Senate Committee Substitute), an act to require the State Board of Cosmetic Art Examiners to issue a temporary employment permit to persons who have applied and are qualified to take the examination for apprentice cosmetologist or registered cosmetologist. (Ch. 1013)

H.B. 1223 (Senate Committee Substitute), an act to delay the development of new sanitary landfills for the disposal of nonhazardous solid waste in water supply watersheds for which a petition for reclassification is pending until the classification of such watersheds is completed. (Ch. 1014)

H.B. 1291 (Senate Committee Substitute), an act concerning administration of small estates by the Clerk of Superior Court and a related provision of the Inheritance Tax Law. (Ch. 1015)

H.B. 2081, an act to increase the maximum vehicle tax that can be levied in the City of Gastonia from five dollars to fifteen dollars. (Ch. 1016)

H.B. 2190, a bill to authorize Anson and Montgomery Counties to collect certain fees in the same manner as *ad valorem* taxes. (Ch. 1017)

H.B. 2241 (Committee Substitute), an act revising and consolidating the Charter of Bessemer City. (Ch. 1018)

H.B. 2242 (Committee Substitute), an act to annex certain described property into the corporate limits of the Town of Long View. (Ch. 1019)

CALENDAR

Bills and Resolutions on the Calendar carried forward as unfinished business from Friday, July 20, are taken up and disposed of, as follows:

S.B. 114 (House Committee Substitute), a bill to delay the issuance of air quality permits for new commercial medical waste incinerators and to prohibit the disposal of

certain special nonhazardous wastes in incinerators, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Harris, the House Committee Substitute bill is re-referred to the **Human Resources Committee** (25-17).

Senator Smith requests to be recorded voting "no."

H.B. 2128 (Senate Committee Substitute), a bill to require consent of the County Boards of Commissioners in several named counties before land in those counties may be condemned or acquired by a unit of local government outside the county.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 2234, a bill to provide for four-year staggered terms for the Board of Commissioners of the Town of Red Oak.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Barnes, the Senate stands in recess for the purpose of conference committee meetings until 4:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CONFERENCE REPORT

S.B. 1506

Senator Parnell for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 1506**, a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 1506, Fourth Edition, A BILL TO BE ENTITLED AN ACT TO ALLOW JUDGES TO USE HOUSE ARREST AS A CONDITION OF SPECIAL PROBATION IN CERTAIN DWI CASES, AND TO PROVIDE THAT CERTAIN MISDEMEANANTS MAY BE PAROLED AND PLACED UNDER HOUSE ARREST, wish to report as follows:

The Senate concurs in the House Committee Substitute (Fourth Edition) with the following amendments:

on page 1, line 15, be deleting the word "term" and substituting the words "minimum term prescribed in (i) above";

and on page 2, line 9, by deleting the word "term" and substituting the words "minimum term prescribed in (i) above".

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

July 26, 1990

This the 26th day of July, 1990.

S/David Parnell	S/Anne Barnes
S/A. P. Sands	S/Harry E. Payne, Jr.
S/A.D. Guy	S/Coy C. Privette
S/James C. Johnson, Jr.	S/Roy A. Cooper, III
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Parnell, the Conference Report is adopted (39-0) which changes the title upon a like action of the House of Representatives to read **S.B. 1506** (House Committee Substitute), a bill to allow judges to use house arrest as a condition of special probation in certain DWI cases and to provide that certain misdemeanants may be paroled and placed under house arrest, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and is disposed of, as follows:

By Senator Rauch for the **Finance Committee**:

S.B. 1628, a bill to make the State income tax refund period the same as the federal income tax refund period, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 1427 (House Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies and to make other changes in the budget operation of the State.

On motion of Senator Royall, the rules are suspended and the House Committee Substitute bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration, for concurrence.

The Senate fails to concur in the House Committee Substitute bill (0-41).

Senator Royall offers a motion that the Senate do appoint conferees, which motion prevails.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action, and requesting conferees.

CALENDAR (Continued)

H.B. 2117 (Committee Substitute), a bill to provide that food sold by religious organizations is exempt from tax.

The Committee Substitute bill passes its second reading (43-0).

Senator Sands objects to the third reading of the measure, and the Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 27, for further consideration, upon third reading.

H.B. 2284 (Senate Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy.

The Senate Committee Substitute bill passes its second reading (42-0), and with unanimous consent remains before the Senate upon third reading.

Senator Odom calls the previous question, seconded by Senator Sands.

Pursuant to Rule 23, Senator Parnell rises to a point of order as to the member authorized to call the previous question. The Chair fails to sustain the point of order as Senator Odom is the designated floor manager of the measure.

The call for the previous question prevails (25-19) and the question becomes the passage of the Senate Committee Substitute bill on its third reading.

The Senate Committee Substitute bill passes its third reading (29-15) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 2297 (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered enrolled.

H.B. 2391 (Committee Substitute), a bill to increase the maximum fine for parking in a handicapped parking space and to require signs designating handicapped parking spaces to state the penalty for parking in the space in violation of the law.

On motion of Senator Daniel, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

S.B. 300 (House Committee Substitute), a bill to permit emergency medical service emergency support vehicles to have red lights and sirens, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (41-0), and the House Committee Substitute bill is ordered enrolled.

S.B. 499 (House Committee Substitute), a bill to make various substantive and technical to the insurance laws, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (42-0), and the House Committee Substitute bill is ordered enrolled.

S.B. 1337 (House Committee Substitute), a bill to make various technical amendments to the General Statutes and to the Session Laws and for other purposes, for concurrence in the House Committee Substitute bill.

The Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 1579 (Committee Substitute), a bill to stagger further the terms served by members of the Board of the State Ports Authority, to eliminate the Governor's ability to remove members of the Board of the State Ports Authority without cause, and to provide that the General Assembly may remove members of the Board only for cause.

The Committee Substitute bill passes its second (44-0) and third readings and without objection, on motion of Senator Block is ordered sent to the House of Representatives by special messenger.

S.B. 817 (House Committee Substitute), a bill to provide that possession of materials containing a visual representation of a minor engaging in sexual activity is a felony, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (43-1), and the House Committee Substitute bill is ordered enrolled.

Bills and resolutions on today's Calendar are taken up and disposed of as follows:

S.B. 1446 (House Committee Substitute), a bill to revise and consolidate the Charter of the City of Newton, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Wilson—44.

Voting in the negative: None.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 27, for concurrence, upon third reading.

H.B. 2173, a bill to increase the probation and parole supervision fees from fifteen to twenty dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Wilson—43.

Voting in the negative: Ballance—1.

The bill is ordered enrolled.

H.B. 2213 (Committee Substitute), a bill to instruct the Infrastructure Study Commission to study further the appropriate financing of local stormwater utilities and to authorize funding of dispute resolution programs, as amended, upon third reading.

Without objection, on motion of Senator Lee, the Committee Substitute bill, as amended, is temporarily displaced.

The Chair relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in the absence of the President of the Senate.

S.B. 1337 (House Committee Substitute), a bill to make various technical amendments to the General Statutes and to the Session Laws and for other purposes, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

The Senate concurs in the measure (41-0), and the House Committee Substitute bill is ordered enrolled.

H.B. 2213 (Committee Substitute), a bill to instruct the Infrastructure Study Commission to study further the appropriate financing of local stormwater utilities and to authorize funding of dispute resolution programs, as amended, upon third reading, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Wilson—41.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 3.

S.B. 1269 (Committee Substitute), a bill authorizing the Legislative Research Commission to study the desirability and feasibility of providing State assistance for the law school loans of attorneys who graduate from law school in North Carolina and who are employed by the State or local government.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 1348 (Committee Substitute), a bill to provide that teachers may participate in the Public Employees' Deferred Compensation Plan.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1269 (Committee Substitute), a bill authorizing the Legislative Research Commission to study the desirability and feasibility of providing State assistance for the law school loans of attorneys who graduate from law school in North Carolina and who are employed by the State or local government, temporarily displaced earlier.

The Committee Substitute bill passes its second (27-10) and third readings and is ordered sent to the House of Representatives.

S.B. 1467 (House Committee Substitute), a bill to increase the fees that may be charged by the State Board of Barber Examiners and the State Board of Examiners of practicing psychologists, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Wilson—43

Voting in the negative: Senator Sherron—1.

The House Committee Substitute bill is ordered enrolled.

S.B. 994 (House Committee Substitute), a bill to require the owner of a dangerous dog or potentially dangerous dog to take precautions against attacks by such dogs, to impose criminal penalties and civil liability upon the owner of a dangerous dog which attacks and causes serious bodily injury to a person, for concurrence in the House Committee Substitute bill, upon second reading.

Senator Odom rises to a point of order as to the measure not requiring a call of the roll.

The Chair sustains the point of order and rules the House Committee Substitute bill does not require a call of the roll.

The Senate concurs in the measure (40-4) and the House Committee Substitute bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1269
(Senate Committee Substitute)

House of Representatives
July 26, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. H.B. No. 1269, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COURT ORDERS AND WRITTEN

AGREEMENTS REGARDING MEDICAL SUPPORT FOR MINOR CHILDREN ARE VALID AUTHORIZATION TO INSURERS TO RELEASE INFORMATION AND PROCESS CLAIMS AND TO PROVIDE FOR REVIEW OF THE PRESUMPTIVE CHILD SUPPORT GUIDELINES, and requests conferees. The Speaker has appointed Representatives Sharon Thompson, Hackney and Esposito, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1506
(House Committee Substitute)

House of Representatives
July 26, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Comm. Sub. S.B. No. 1506, A BILL TO BE ENTITLED AN ACT TO ALLOW JUDGES TO USE HOUSE ARREST AS A CONDITION OF SPECIAL PROBATION IN CERTAIN DWI CASES, AND TO PROVIDE THAT CERTAIN MISDEMEANANTS MAY BE PAROLED AND PLACED UNDER HOUSE ARREST, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 439 (House Committee Substitute), a bill to allow the Town of Richfield to collect utility bills as if they were taxes due the Town, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 27.

S.B. 1575 (Committee Substitute), a bill to increase the fee for filing a corporation's annual report with the Secretary of State, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 27.

H.B. 2341 (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities.
Referred to **Finance Committee**.

S.B. 524 (House Committee Substitute), a bill to include additional controlled substances in the controlled substances schedules, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 27.

S.B. 1624, a bill to require people to be licensed to practice electrology, for concurrence in House Amendments No. 1 and No. 3.
On motion of Senator Kaplan, the rules are suspended, without objection, and the bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendments No. 1 and No. 3 (43-0) and the bill is ordered enrolled.

CONFERENCE REPORT

S.B. 1375 (House Committee Substitute)

Senator Sands for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 1375** (House Committee Substitute), a bill amending Chapter 296 of the Public-Local Laws of 1939, As Amended, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute for Senate Bill 1375 (Second Edition), A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 296 OF THE PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, wish to report as follows:

The Senate concurs with House Committee Substitute to Senate Bill 1375 with the following amendment:

on page 2, line 2, by adding the following between lines 2 and 3:
"Sec. 1.1. This act, insofar as it authorizes certain investments, amends G.S. 159-30 with regard to the investment of the Winston-Salem Policemen's Retirement Fund only.".

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 26th day of July, 1990.

S/Sands	S/Donald M. Dawkins
S/Ted Kaplan	S/Annie B. Kennedy
S/Marvin Ward	S/Logan Burke
	S/Theresa H. Esposito
	S/Lyons Gray
	S/Frank E. Rhodes
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Sands, the Conference Report is adopted (42-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

H.B. 2235, a bill to permit Nash County to appropriate additional funds for industrial development.

On motion of Senator Royall, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for tomorrow, July 27, for consideration.

MOTION TO APPOINT CONFEREES

H.B. 1269 (Senate Committee Substitute), a bill to provide that court orders and written agreements regarding medical support for minor children are valid authorization to insurers to release information and process claims and to provide for review of the presumptive child support guidelines.

Pursuant to the message from the House of Representatives received earlier today, Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

CONFERENCE REPORT

S.B. 1450

Senator Sands for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 1450**, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Surry County, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1450, Second Edition Engrossed, as amended by Amendment 1 on July 13, 1990, A BILL TO BE ENTITLED AN ACT RELATING TO THE MANNER OF FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS OF ASHE, SURRY, WATAUGA, AND GASTON COUNTIES, wish to report as follows:

The Senate concurs with the House on Senate Bill 1450, Second Edition Engrossed, as amended by Amendment 1 dated July 13, 1990.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 26th day of July, 1990.

S/Ollie Harris	S/J. Vernon Abernethy
S/Helen R. Marvin	S/Donald M. Dawkins
S/Marshall A. Rauch	S/Doris Lail
	S/L. Rhyne
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Sands, the Conference Report is adopted (43-0), changing the title upon a like action of the House of Representatives to read **S.B. 1450**, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, and Gaston Counties.

Without objection, on motion of Senator Royall the Senate stands in recess for the purpose of committee meetings until 6:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1269 (Senate Committee Substitute), a bill to provide that court orders and written agreements regarding medical support for minor children are valid authorization to insurers to release information and process claims and to provide for review of the presumptive child support guidelines.

The motion of Senator Sands, prevailing earlier today that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Sands (Chairman), Soles, Daniel, and Wilson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1427
(House Committee Substitute)

House of Representatives
July 26, 1990

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB. No. 1427, A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, the Speaker has appointed as conferees on the part of the House, Representatives Diamont, J.W. Crawford, Holmes, Howard Hunter, McLaughlin, Tart, Walker and Gene Wilson to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1427 (House Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies and to make other changes in the budget operation of the State.

The motion of Senator Royall, prevailing earlier today that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Royall (Chairman), Murphy, Daniel, Basnight, Plyler, Parnell, Kincaid, Cochrane, and Richardson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 951, a bill to authorize magistrates and clerks of court to accept guilty pleas for littering, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 951** (House Committee Substitute), a bill to

conform the guilty plea jurisdiction of magistrates and clerks with the 1989 Amendments to G.S. 14-399, which is placed on the Calendar for tomorrow, July 27.

H.B. 2349 (Committee Substitute), a bill to create an interagency task force to review the desirability of establishing a statewide defensive driving-citation dismissal program.

Referred to **State Government Committee.**

H.B. 2070 (Committee Substitute), a bill to make technical changes to the Revenue Laws.

Referred to **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1375
(House Committee Substitute)

House of Representatives
July 26, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Comm. Sub. S.B. No. 1375, A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 296 OF THE PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

On motion of Senator Barnes, seconded by Senator Sherron, the Senate adjourns at 7:07 P.M. to meet tomorrow, July 27, at 10:00 A.M.

ONE HUNDRED SIXTY-NINTH DAY

SENATE CHAMBER,
Friday, July 27, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Honorable Constance Wilson, Senator from Mecklenburg County, as follows:

"Heavenly Father, we thank You for the opportunity to petition You concerning the life-changing legislation we will vote on today and the rest of this long, short session.

"Lord, like Solomon, we ask that You give us an understanding heart to govern the people of North Carolina and to distinguish between right and wrong.

"You have said in Your Word to ask for wisdom, and we do this today.

"Give us peace and clarity of mind to decide quickly and fairly as bills and amendments are brought forth. We ask for Your will to be done in this place. In Your Name, we pray. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Plyler, who is attending a funeral, and to Senator Swain.

Senator Swain is noted present for a portion of today's session.

REQUEST TO SEND BY SPECIAL MESSENGER

H.B. 2391 (Committee Substitute), a bill to increase the maximum fine for parking in a handicapped parking space and to require signs designating handicapped parking spaces to state the penalty for parking in the space in violation of the law.

Without objection, on motion of Senator Guy, the Committee Substitute bill, ordered sent to the House of Representatives on Thursday, July 26, is ordered sent by special messenger.

Additional special messages are received from the House of Representatives, as follows:

S.B. 1426
House Committee Substitute

House of Representatives
July 26, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has dismissed Representative Justus and DeVane as conferees, due to illness, and has appointed Representatives Esposito and Bowman as conferees on the House Comm. Sub. to SB No. 1426, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1990-91 FISCAL YEAR AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE,

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1450

House of Representatives
July 26, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S.B. No. 1450, A BILL TO BE ENTITLED AN ACT RELATING TO THE MANNER OF FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS OF ASHE, SURRY, WATAUGA, AND GASTON COUNTIES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 423 (House Committee Substitute), a bill to provide for confidentiality of the proceedings of quality assurance committees in mental health, mental retardation, and substance abuse facilities, for concurrence in the House Committee Substitute bill.

Referred to **Human Resources Committee**.

S.B. 774 (House Committee Substitute), a bill to limit the liability of directors, officers, and employees of medical services corporations, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary II Committee**.

REQUEST TO SEND BY SPECIAL MESSENGER

S.B. 1348 (Committee Substitute), a bill to provide that teachers may participate in the Public Employees' Deferred Compensation Plan.

Without objection, on motion of Senator Rauch, the Committee Substitute bill ordered sent to the House of Representatives on Thursday, July 26, is ordered sent by special messenger.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 2235, a bill to permit Nash County to appropriate additional funds for industrial development.

Without objection, on motion of Senator Rauch, the bill is temporarily displaced.

S.B. 1446 (House Committee Substitute), a bill to revise and consolidate the Charter of the City of Newton, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daughtry, Goldston, Guy, Hardin, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Rauch, Raynor, Sands, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Wilson—36.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 439 (House Committee Substitute), a bill to allow the Town of Richfield to collect utility bills as if they were taxes due the Town, for concurrence in the House Committee Substitute bill, upon second reading.

Without objection, on motion of Senator Sands, the House Committee Substitute bill is temporarily displaced.

H.B. 2117 (Committee Substitute), a bill to provide that food sold by religious organizations is exempt from tax, upon third reading.

The Committee Substitute bill passes its third reading (41-0) and is ordered enrolled.

S.B. 439 (House Committee Substitute), a bill to allow the Town of Richfield to collect utility bills as if they were taxes due the Town, temporarily displaced earlier, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Rauch, Raynor, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Wilson—42.

Voting in the negative: None.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 28, for concurrence, upon third reading.

RECONSIDERATION

H.B. 2117 (Committee Substitute), a bill to provide that food sold by religious organizations is exempt from tax, ordered enrolled earlier today.

Senator Rauch offers a motion that the bill be recalled from the Enrolling Office and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

The Committee Substitute bill is returned to the Senate and Senator Rauch offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the Committee Substitute bill, upon third reading.

Senator Rauch offers Amendment No. 1 which is adopted (41-0).

Without objection, on motion of Senator Kaplan, the Committee Substitute bill, as amended, is placed at the end of today's Calendar, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 300 (House Committee Substitute), an act to permit emergency medical service emergency support vehicles to have red lights and sirens. (Ch. 1020)

S.B. 499 (House Committee Substitute), an act to make various substantive and technical amendments to the insurance laws. (Ch. 1021)

S.B. 817 (House Committee Substitute), an act to provide that possession of materials containing a visual representation of a minor engaging in sexual activity is a felony. (Ch. 1022)

S.B. 994 (House Committee Substitute), an act to require the owner of a dangerous dog or potentially dangerous dog to take precautions against attacks by such dogs, to impose criminal penalties and civil liability upon the owner of a dangerous dog which attacks and causes serious bodily injury to a person. (Ch. 1023)

S.B. 1337 (House Committee Substitute), an act to make various technical amendments to the General Statutes and to the Session Laws and for other purposes. (Ch. 1024)

S.B. 1345 (Committee Substitute), an act to make various changes to the State Personnel Act. (Ch. 1025)

S.B. 1375 (House Committee Substitute), an act amending Chapter 296 of the Public-Local Laws of 1939, As Amended. (Ch. 1026)

S.B. 1380, an act to provide for a strawberry assessment. (Ch. 1027)

S.B. 1402 (Committee Substitute), an act to establish a performance management and pay advisory committee within each department, agency, and institution to ensure that performance pay increases are made in a fair and equitable manner. (Ch. 1028)

S.B. 1467 (House Committee Substitute), an act to increase the fees that may be charged by the State Board of Barber Examiners and the State Board of Examiners of practicing psychologists. (Ch. 1029)

S.B. 1475 (Committee Substitute No. 2), an act to set the amounts of the fees collected for proprietary school licensure and regulation. (Ch. 1030)

S.B. 1506 (House Committee Substitute), an act to allow judges to use house arrest as a condition of special probation in certain DWI cases, and to provide that certain misdemeanants may be paroled and placed under house arrest. (Ch. 1031)

S.B. 1584, an act to extend coverage under the Disability Income Plan of North Carolina to participants who are on an employer approved leave of absence and in receipt of workers' compensation benefits. (Ch. 1032)

S.B. 1624, an act to require people to be licensed to practice electrology. (Ch. 1033)

H.B. 2173, an act to increase the probation and parole supervision fees from fifteen to twenty dollars. (Ch. 1034)

H.B. 2234, an act to provide for four-year staggered terms for the Board of Commissioners of the Town of Red Oak. (Ch. 1035)

H.B. 2249 (Senate Committee Substitute), an act to consolidate and clarify the civil penalty powers of the Environmental Management Commission and to establish procedures for the remission of civil penalty assessments. (Ch. 1036)

H.B. 2254 (Committee Substitute), an act to clarify the scope of the financial qualification and compliance history requirements applicable to applicants for water discharge and air emissions permits. (Ch. 1037)

H.B. 2297 (Committee Substitute), an act to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives. (Ch. 1038)

H.B. 2375 (Senate Committee Substitute), an act to enact the 1990 Omnibus Drug Act. (Ch. 1039)

S.J.R. 1611, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a bill to be entitled an act to require resident inspectors at commercial hazardous waste facilities. (Res. 73)

WITHDRAWAL FROM COMMITTEE

S.B. 423 (House Committee Substitute), a bill to provide for confidentiality of the proceedings of quality assurance committees in mental health, mental retardation, and substance abuse facilities.

Senator Harris offers a motion that the rules be suspended and the House Committee Substitute bill be taken from the **Human Resources Committee** and placed at the end of today's Calendar for consideration upon concurrence, which motion he subsequently withdraws.

CALENDAR (Continued)

H.B. 2117 (Committee Substitute), a bill to provide that food sold by religious organizations is exempt from tax, as amended, upon third reading.

Without objection, the motion of Senator Kaplan to place the Committee Substitute bill at the end of the regular order of business is reconsidered and the measure is placed before the Senate for further consideration, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (39-0) and is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

WITHDRAWAL FROM COMMITTEE

H.B. 2341 (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill No. 2 is taken from the **Finance Committee** and is placed at the end of today's Calendar, upon second reading.

S.B. 1588 (House Committee Substitute), a bill to simplify the privilege license tax on restaurants.

On motion of Senator Rauch, the rules are suspended, and the House Committee Substitute bill is taken from the **Finance Committee** and is placed at the end of today's Calendar, for concurrence, upon second reading.

CALENDAR (Continued)

S.B. 1575 (Committee Substitute), a bill to increase the fee for filing a corporation's annual report with the Secretary of State, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Walker, Ward, and Wilson—40.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 28, for concurrence in House Amendment No. 1, upon third reading.

S.B. 524 (House Committee Substitute), a bill to include additional controlled substances in the controlled substances schedules, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (43-0) and the House Committee Substitute bill is ordered enrolled.

S.B. 951 (House Committee Substitute), a bill to conform the guilty plea jurisdiction of magistrates and clerks with the 1989 Amendments to G.S. 14-399, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (42-0) and the House Committee Substitute bill is ordered enrolled.

H.B. 2341 (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan,

Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Rauch, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Walker, and Wilson—41.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, July 28, for further consideration, upon third reading.

S.B. 1588 (House Committee Substitute), a bill to simplify the privilege license tax on restaurants, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barker, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, and Wilson—43.

Voting in the negative: None.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 28, for concurrence, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1615 (House Committee Substitute), a bill to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds, for concurrence in the House Committee Substitute bill.

On motion of Senator Marvin, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in the measure (42-0) and the House Committee Substitute bill is ordered enrolled.

DISMISSAL AND APPOINTMENT OF CONFEREES

S.B. 1427 (House Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies and to make other changes in the budget operation of the State.

Senator Barnes announces the dismissal of Senator Richardson as a conferee and the appointment of Senators Lee and Speed as additional conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

BILLS ORDERED SENT BY SPECIAL MESSENGER

Without objection, the Chair orders the following bills ordered sent to the House of Representatives on Thursday, July 26, be sent by special messenger:

H.B. 2128 (Senate Committee Substitute), a bill to require consent of the County Boards of Commissioners in several named counties before land in those counties may be condemned or acquired by a unit of local government outside the county.

H.B. 2213 (Committee Substitute), a bill to instruct the Infrastructure Study Commission to study further the appropriate financing of local stormwater utilities and to authorize funding of dispute resolution programs.

H.B. 2284 (Senate Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy.

S.B. 1269 (Committee Substitute), a bill authorizing the Legislative Research Commission to study the desirability and feasibility of providing State assistance for the law school loans of attorneys who graduate from law school in North Carolina and who are employed by the State or local government.

Without objection, on motion of Senator Barnes, the Senate stands in recess until 1:00 P.M. for the purpose of committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

H.B. 2235, a bill to permit Nash County to appropriate additional funds for industrial development, temporarily displaced earlier.

The bill passes its second (43-0) and third readings and is ordered enrolled.

S.B. 1575 (Committee Substitute), a bill to increase the fee for filing a corporation's annual report with the Secretary of State, ordered placed for concurrence in House Amendment No. 1, upon third reading, on the Calendar for tomorrow, July 28.

Senator Martin of Guilford rises to a point of order as to the Committee Substitute bill not requiring a call of the roll. The Chair sustains the point of order and rules the measure does not require a call of the roll.

On motion of Senator Martin of Guilford, and with unanimous consent, the Committee Substitute bill is withdrawn from the Calendar of July 28 and is placed before the Senate for further consideration upon concurrence, upon third reading.

The Senate concurs in House Amendment No. 1 (43-0), and the Committee Substitute bill is ordered enrolled.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the reports accompanying it, and takes its place on the Calendar, as follows:

By Senator Royall for the **Appropriations Committee**:

H.B. 2257 (Committee Substitute No. 2), a bill to increase various fees and create new fees charged by the Department of Insurance; to amend the retaliatory premium tax law; to create, maintain, and appropriate money to the Department of Insurance Consumer Protection Fund; and to improve the financial stability of the State Property Fire Insurance Fund, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Royall, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

The Chair rules the Senate Committee Substitute bill does not require a call of the roll.

On motion of Senator Parnell, the rules are suspended, and the Senate Committee Substitute bill remains before the Senate for further consideration.

On motion of Senator Parnell, Bill Hale, Chief Legislative Counsel of the Department of Insurance, is granted courtesies of the floor to assist in the explanation of the Senate Committee Substitute bill.

The Senate Committee Substitute bill passes its second (41-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1412 (Committee Substitute), a bill to provide for registration of and reporting by multiple employer welfare arrangements and to amend the financial responsibility requirements for health plan administrators, for concurrence in House Amendments No. 1, No. 2, and No. 3.

On motion of Senator Johnson of Cabarrus, the rules are suspended, without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendments No. 1, No. 2, and No. 3 (41-0), and the Committee Substitute bill is ordered enrolled.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Royall offers a motion that Rule 40 be suspended to allow the introduction of the following bill pursuant to Resolution 73, which motion prevails by a two-thirds majority vote.

By Senator Royall:

S.B. 1631, a bill to require resident inspectors at commercial hazardous waste facilities.

On motion of Senator Royall, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

Senator Royall offers Amendment No. 1 which is adopted (42-0).

The bill, as amended, passes its second (40-0) and third readings and, without objection, is ordered engrossed and sent to the House of Representatives by special messenger.

The President of the Senate relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in his absence.

CALENDAR (Continued)

H.B. 2341 (Committee Substitute No. 2), a bill to support public health programs and activities through an annual fee for food and lodging facilities, earlier ordered placed on the Calendar for July 28, upon third reading.

The Chair rules the Committee Substitute bill No. 2 does not require a call of the roll.

Without objection, on motion of Senator Rauch, and with unanimous consent, the Committee Substitute bill No. 2 is withdrawn from the Calendar of July 28, and is placed before the Senate for further consideration, upon its third reading.

The Committee Substitute bill No. 2 passes its third reading and is ordered enrolled.

Senator Taft rises to a point of personal privilege and upon motion of Senator Sands, his remarks are spread upon the Journal as follows:

"Mr. President, Ladies and Gentlemen of the Senate, Senator Barker, Senator Wilson, and I have come to that point in our Legislative career that we want to ask your indulgence for just a very few minutes of personal privilege.

"For me, it is my opportunity to say to each of you a profound thank you for letting me serve with each of you individually but more importantly the privilege of serving the State of North Carolina, for it is truly a great State, one that each of us loves in his own very special way.

"Senator Barnes, I started my career here in 1972, working for Jim Hunt when he was Lieutenant Governor as his legal counsel or legislative aide; and worked here for two years and got to know a number of the Senators that sit here today in a very different way than I know them now. But for me, these six years have been especially important, not only for what I have been able to do for my district, but you and I together have been able to do for North Carolina. I really believe that this Senate, in a broader sense, represents the very essence of the Western democracies, Joe. The very special essence of people able to create a political system that works, and that you can have confidence in, even when you disagree profoundly with what may be happening. And we tend to take that for granted, I believe, in this country, and in the Western world. When we look at what is happening in the Soviet Union today and see the very erosion of what holds that country together—happen right before our eyes, I think that each of us has to stop for a moment and say that what this Senate does on a daily basis is what preserves that cement. At least, in North Carolina, and it is a part of what preserves that for this whole country.

"And I want to say that I particularly feel that the Senate is the embodiment of that special trust in a way that our Sister House doesn't seem to approach it. I think that the Lieutenant Governor has noticed that as we approach our business. We approach it in a very serious way that we always take the high road, and I hope that in the years ahead that this Senate will continue to take the high road in all matters. That's why I think for Senator Barker and Senator Wilson, when we leave today and tomorrow, that we'll hold our head higher than many other people do because of the actions and the integrity of this Body.

"I have felt it every day, Senator Rauch, that I have been here. And I think that you represent probably as much as any single person, along with Senator Barnes, the very embodiment of that trust and that very special sense of integrity and stewardship that this Body feels and to the two of you, I extend my personal thank you for helping make that one of the sacred trusts of this institution.

"I want to say on a personal note to a number of you that I have friendships that have started here that I hope that they will continue. Senator Sherron and I have been loyal seatmates for four years now. I have grown to love him in a very special way. He's a quiet fellow. But I want you to know that he loves this State and his district as much as anybody I have ever known and he is working quietly behind the scenes and he is a good friend. And he's been my good friend and I know he's your good friend.

"My good friend Senator Royall is not sitting here now. 'The Bear,'—I wanted to say some very special words with him sitting here but I guess I'll have to do it in his absence. Several times he's put that 'bear hug' on me during this six-year tenure. Helen Marvin, most of the time that 'bear hug' has been to the benefit of my district, not every time. I say to him that he is a very special person that I think probably carries the best interest of this State deeper in his heart than any other member of this entire General Assembly. And I hope that you will continue to love him and seek his guidance and his leadership, especially in budget matters, for he truly has a rare vision of this State, unlike anyone else that I've ever had the pleasure of being with. I hope

that he will continue to put that 'bear hug' on me after I get out of this Body because there are certainly some things that I still have in mind for my University in Greenville.

"I want to say that, Senator Plyler is not here today. He's a very special gentleman who's given me guidance throughout these six years and that I appreciate so very, very much. Senator Barnes, you've been a friend and a mentor. We've agreed on most things during my six years, and I appreciate the guidance you have given me often as a father as this brash and busy young man attempted to find a home in this Senate.

"I have to say to the Lieutenant Governor, that I admire the way that you have presided over this Body coming in as really a foreigner, not having served in the Legislative branch. I certainly don't agree with many of the things that you believe in but we agree on a lot of the fundamentals and I wish you well.

"I have to say to the other side of the Chamber, Senator Ollie Harris is a father to all of us, especially us young boys. He showed me a thing or two during my first term, Senator Harris, that I'll always remember. It was a high point in my career when I took on the big boys and it was also a very educational point in my career, and I love you for that.

"Senator Rauch is a very special person. He's a lot like my wife, I don't always like him on everything, but I'll always love him. We all understand how those feelings are and I wish him a special, warm future. To those on the back row, on the other side, especially to Senator Guy, whose been down the street from me, and who I've never gotten as close to as I should have, I apologize, and say that I was too busy, Senator Guy, and that's one of the reasons I'm leaving and I hope I'll be able to come back to this Body someday when I'm not in quite such a hurry.

"Senator Marc Basnight is a friend who words cannot describe. Most of you know him. He is a person that I think has a future with this Body that is extraordinary. He has rare ability, beyond any that I have seen among my peers and I hope that you will anoint him with additional responsibility as he helps lead this State.

"Senator Bob Martin, most of you don't know Bob and I ran against each other for our first seat in this Legislative Body. We were both smart enough to get this Body to redistrict in the midst of our election, so that both of us could be elected to the State Senate in the same year. I have the greatest admiration for him and want to continue to work with him.

"Senator Richard Conder, I have to say a special word to him. Richard, I disappointed you once, and I'll make it up to you.

"George Daniel is no finer among my peers, and I hope that this Body will propel him to the place in the stars that he deserves. He has rare ability and I just hope that you'll ride with him and give him what he deserves and let him carry this Body where it can be during the next decade. In the quadrant to my right, there's so many of you, I have to tip my hat. R.C. Soles has kept me afloat on so many occasions and I appreciate that, R.C., and will always remember you for the very special guidance that you've given me.

"I want to say, in a final closing, and on a very special point of my opportunity to tell you some things that are heavy on my heart. Bill Staton, during my life, I've lived in this State all my life. That's not nearly as many years as some of you, but I have seen the beginning of the loss of the natural environment during my lifetime. And I fear that during the balance of that lifetime, that we will see the face of North Carolina changed from a rural, natural place to one of suburban and urban blight. And I think that there is no more special responsibility that each of you should feel, during the remaining terms that you have in this Body, than to begin to look much more carefully at what's happening to the natural face of this State. If you look all around you, you can't help but see that we are fowling the nest of this world—right before our eyes.

"We are burning the rain forests. In twenty-five years, at the rate we are burning the rain forests now, they'll be gone. That's during my lifetime, during most of your lifetimes. I think all of you know what the greenhouse effect is, that's real. It affects

us right here in North Carolina. Did you know that in Africa you can't find the wild animals anywhere now except in the big natural parks that have been developed there? That has implications, even for us here in North Carolina.

"All of us have been good at compromising and finding what we think to be good compromises on so many of the environmental solutions. I fear, Bob Shaw, and I think that you're the embodiment of the back row of the conscience for environmental matters. I fear that's not good enough for North Carolina. And if we're not careful and we don't take more to heart the special stewardship that has been bestowed on us as public servants, and the Legislative public servants in North Carolina, then we are going to see the loss of that natural environment, so, that it is irreplaceable. And the very reason that you're so proud of North Carolina now, the very reason that people want to come here so bad, that they would move their entire businesses and families here, we're not going to have that anymore. If we don't begin to say that our coast must be protected in a radical sort of way, that our mountains must be protected in a radical sort of way, they're going to be gone. I haven't been as environmentally conscientious as I should have been, I've been too quick to compromise. Friends, every time we compromise, we find that the fish continue to die, the air gets dirtier, and our streams become more fouled. We saw it right with Rocky Mount, in my own backyard, and it's not just Rocky Mount, and I don't pick them out for special blame, they're just part of all our communities, dumping billions of gallons of raw sewage right into our waterways with the government consenting to it. I think all of you have to recognize that if we don't change our attitude about the natural environment, Senator Bryan, in North Carolina, we're going to lose it.

"Yes, business is important, business is important to me, and financial gain is important to me, but Senator Soles, if we don't begin to error on the side of the environment in this State, we are going to lose that which makes North Carolina the jewel of the South, and probably the jewel of the nation. They're hard choices. That means that somebody is probably not going to make the wealth that he might otherwise have made. That means that some company might even find that it has to close its doors, because it can't modernize enough to keep from putting the mercury or the zinc into the water or the air. But, if we don't shoulder that responsibility, our children are not going to have a decent environment, an environment that's not full of carcinogens and causing silent cancers to strike them and the other people we know and love.

"It's happening here in North Carolina, Senator Harris, the mountains of North Carolina, the trees at the higher elevations, are already dying—they're already dying. If you go north, the acid rain has already polluted tens of thousands of lakes and streams in this country and in Canada and its happening in North Carolina. And if the integrity of our political system can't rise to meet it, and break loose, and shake loose from the paralysis that our system seems to have today, then I think that we are going to find that this country, and this State are not going to be places that we are proud of.

"Many of you might say, Tom, you're really leaning on me saying those things, and I probably am, but I have to say that it comes from the innermost recesses of my heart. And I think that this is something that all of us have to wake up to and begin to recognize, or else North Carolina is not going to be the place that we want our children to live in. We're going to be looking for places for them to move.

"Well, that's six years. I love each of you. I appreciate the opportunity to have served with you. And may God bless and keep each and every one of you. Thank you."

Senator Barker rises to a point of personal privilege and upon motion of Senator Sands, his remarks are spread upon the Journal as follows:

"Thank you Mr. President. Senator Taft, I appreciate the door knocker. Senator Wilson, I appreciate the cookies. I decided to send ya'll money, so, the check's in the mail. You just keep checking the mail.

"I was a stranger four years ago when I came here. And you took me in. You didn't take advantage of me when you could. You taught me everything you knew. You just welcomed me with open arms. A heartfelt thanks to each and every member of this Body, to the staff, the clerks, the Sergeant-at-Arms, everybody connected with the General Assembly, the lobbyists, the press. There were opportunities you had to take cheap shots and you didn't.

"I would like to echo everything that Senator Taft has said. He and I are basically leaving for the same reasons. And I don't know what the rules say about this, but Ms. Fink, if you can, just save that name tag up there, and save these note pads, cause I'm gonna try to come back. While I'm away, I want you to consider the things Senator Taft said.

"I saw a bumper sticker the other day, you've seen it a lot, it says, 'A good planet is hard to find.' And I saw another one recently that says, 'We all live downstream,' and I thought how true that is. Most of you know Hugh Morton, Sr., he's had a tremendous career across this State. What you may not know about him is that he's also a great amateur photographer, I guess he's an amateur because he doesn't sell them, but he takes world-class photographs. He started noticing several years ago, while looking through his photographs, that, you know, you stand your children in the same place every year, Senator Sherron, and you take a picture of them, and you can see them grow. And his children were getting bigger and the trees were getting smaller. And he started looking into that and he has developed a little slide show, I think some of you have seen it, I know those on Travel and Tourism Committee saw it. But, he has compared the photographs taken at the Grandfather Mountain, Mount Mitchell, Roan Mountain, and other places in our State, from just a few years ago. And the effects of acid rain are devastating. And he has talked with scientists about it and he has learned, and he's going all over the State now, and you may see him at a Rotary Club sometime Senator Staton, that the acidity, the PH level, of the rain that is falling on our mountains, is equal to lemon juice. That's frightening, that's terrifying. Senator Taft it has already killed most of the lakes in the northeast. The smokestacks in the Ohio Valley were extended about 200 feet in elevation and that allowed the wind currents to carry it into North Carolina. It's probably also fallen on the Pamlico Sound. It's killing our lakes at the higher elevations in the mountains and it's got to be dealt with. The rivers in North Carolina are about ten million years old. They have sustained life, human life, for about ten thousand years and we've almost killed them in the last hundred years. We've got to stop that, we've got to turn that process around. We can't continue to treat our streams as open sewers.

"Will Rogers once said, 'A politician is concerned with the next election, and a statesman is concerned with the next generation.' Well, the three of us are leaving you today, and we trust that you will continue to be statesmen. And to be concerned with the next generation. In the words of the immortal comic strip, 'Pogo,' he said, 'We have met the enemy and it is us.' This world has about five billion people on it, six or seven million of them in North Carolina. I don't know what the population of South Dakota is, probably one hundred thousand, or so, it would be hard for those people to pollute South Dakota, but it's real easy for us to destroy North Carolina. However, power companies, it's easy to blame a large corporation, but they're not to blame. Our power companies are set up to produce electricity on demand. When you turn on a light switch, you have, in effect, burned a lump of coal, somewhere. And the exhaust from that lump of coal is sulfur dioxide and you have put that in the atmosphere. You did it. Some corporation didn't do it. Weyerhaeuser cuts down trees. They don't need trees. They build their buildings out of steel and concrete. We're the ones that need the lumber and the plywood. We're the ones that demand a five or six thousand square foot house, that we really don't need. These are going to be hard decisions. Our society, and you as leaders of our society, are going to have to deal with this. You are going make these decisions. The days of cheap electricity, cheap water, cheap sewer, may be over. You may have to deal with $80 or $100

sewer bills a month, in order to keep from polluting your neighbor. Those are hard choices, hard decisions. I know that you'll probably have all these problems solved by the time I get back, but if you don't, I'll try to help. And remember a good planet is hard to find and we all live downstream."

Senator Wilson rises to a point of personal privilege and upon motion of Senator Sands, her remarks are spread upon the Journal as follows:

"Please don't enroll what I'm going to say today, Thank you very much. I haven't prepared a speech at all and I knew that coming after Tom and Bill that they would take up all the time and you'd be glad to have a real short speech saying good bye. But, I just want to take a moment. And the reason I gave all of you cookies is, first of all, that's the only thing I could afford to give to so many people, but second of all, it's a way of saying thanks for doing all the sweet things that you have done for me. I was told being a lame duck Republican Senator from Charlotte and being a woman on top of it that I wouldn't be able to get anything done here in the short session. And all of you have made those prophesies over me false. And that's because people like R.C. has worked with me on my subleasing bill and Sandy, thanks for your annexation help on Pineville. I appreciate the abuse. I've never been so abused in my whole life. But I've never enjoyed it so much. And that's all I'll say on that one. There is something about being in the Legislature that gets into your blood and I think that all of us can relate to it here. And it's definitely gotten into mine. And I look forward to running again in 1992, after redistricting comes along and I'll be visiting all of you next year concerning that. But, again, thank you very much for all your help, for receiving me so warmly, and answering many, many, many questions that I had. Thank you."

RECALL OF CONFERENCE REPORT

S.B. 1450, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, and Gaston Counties, ordered enrolled earlier today.

Senator Sands offers a motion that the Conference Report be recalled from the Enrolling Office for further consideration, which motion prevails.

The Conference Report is returned to the Senate and Senator Sands offers a motion that the vote by which the Conference Report was adopted be reconsidered, which motion prevails, and the question becomes the adoption of the Conference Report which title reads **S.B. 1450**, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, Gaston and Lincoln Counties.

Without objection and with unanimous consent, Senator Sands withdraws the Conference Report.

CONFERENCE REPORT

S.B. 1450

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 1450**, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, Gaston and Lincoln Counties, submits the following corrected Conference Report No. 1:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1450, Second Edition Engrossed, as

amended by Amendment 1 on July 13, 1990, A BILL TO BE ENTITLED AN ACT RELATING TO THE MANNER OF FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS OF ASHE, SURRY, WATAUGA, AND GASTON COUNTIES wish to report as follows:

The Senate concurs with the House on Senate Bill 1450, Second Edition Engrossed, as amended by Amendment 1 on July 13, 1990.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 27th day of July, 1990.

S/Ollie Harris	S/J. Vernon Abernethy
S/Helen R. Marvin	S/Donald M. Dawkins
S/Marshall A. Rauch	S/Doris L. Lail
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Sands, the corrected Conference Report No. 1 is adopted (39-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and changing the title to read **S.B. 1450**, a bill relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, and Gaston Counties.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel, Vice-Chairman, for the **Judiciary I Committee**:

H.B. 650 (Committee Substitute), a bill to require that minors under eighteen have a drug free record to obtain a drivers license, with a favorable report, as amended.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion Committee Amendments No. 1, No. 2, and No. 3 are adopted.

Senator Soles rises to address a question to Senator Daniel and subsequently offers a motion to re-refer the Committee Substitute bill to the **Judiciary III Committee**. The Chair rules the motion out of order as Senator Daniel had not relinquished the floor.

Debate ensues and Senator Daniel calls the previous question, seconded by Senator Barker. The call is sustained (29-12).

The Committee Substitute bill, as amended, passes its second reading (38-3).

Senator Daniel objects to the third reading of the measure and the Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, July 28, for further consideration, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 524 (House Committee Substitute), an act to include additional controlled substances in the controlled substances schedules. (Ch. 1040)

S.B. 951 (House Committee Substitute), an act to conform the guilty plea jurisdiction of magistrates and clerks with the 1989 Amendments to G.S. 14-399. (Ch. 1041)

S.B. 1446 (House Committee Substitute), an act to revise and consolidate the Charter of the City of Newton. (Ch. 1042)

H.B. 806, an act to authorize the City of Raleigh to regulate stormwater. (Ch. 1043)

H.B. 950 (Senate Committee Substitute), an act to increase the fee for service of process in civil and criminal actions. (Ch. 1044)

H.B. 1177 (Senate Committee Substitute), an act to increase the criminal penalties for violations of the water quality, air quality, oil and hazardous substances control, and hazardous waste management programs that are knowingly and willfully committed or that involve knowing endangerment. (Ch. 1045)

H.B. 2246, an act to provide for staggered terms in the membership of the Simmons-Nott Airport Authority, to change the name of that authority to the Craven County Regional Airport Authority, and to change the name of the Simmons-Nott Airport to the Craven County Regional Airport. (Ch. 1046)

H.B. 2394 (Senate Committee Substitute), an act to provide for the filing of notices of liens, certificates, and other notices affecting various federal liens in the same manner as notices of federal tax liens. (Ch. 1047)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2284
Senate Committee Substitute

House of Representatives
July 27, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB No. 2284, A BILL TO BE ENTITLED AN ACT TO CREATE A SENTENCING AND POLICY ADVISORY COMMISSION AND TO ESTABLISH A UNIFORM STANDARD FOR THE DEVELOPMENT OF CRIMINAL JUSTICE POLICY, and requests conferees. The Speaker has appointed Representatives Barnes, Rhyne and Cooper on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1269
Senate Committee Substitute

House of Representatives
July 27, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Senate Comm. Sub. on

HB. No. 1269, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COURT ORDERS AND WRITTEN AGREEMENTS REGARDING MEDICAL SUPPORT FOR MINOR CHILDREN ARE VALID AUTHORIZATION TO INSURERS TO RELEASE INFORMATION AND PROCESS CLAIMS AND TO PROVIDE FOR REVIEW OF THE PRESUMPTIVE CHILD SUPPORT GUIDELINES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 2284 (Senate Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy.

Pursuant to the message from the House of Representatives received earlier today Senator Barnes offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Marvin, Allran, and Parnell as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 1426 (House Committee Substitute)

Senator Royall for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 1426** (House Committee Substitute), a bill to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other changes in the budget operation of the State, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1426, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1990-91 FISCAL YEAR AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, House Committee Substitute Fourth Edition Engrossed, wish to report as follows:

The Senate concurs in the House Committee Substitute, Fourth Edition Engrossed, with the following amendment:

Delete the entire House Committee Substitute, fourth edition engrossed, and substitute the attached proposed conference committee substitute PCCS-4750.

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July 1990.

July 27, 1990

S/Kenneth Royall, Jr.
S/Marc Basnight
S/M. A. Rauch
S/Helen R. Marvin
S/Ralph Hunt
S/R. L. Martin
S/William N. Martin
S/Russell Walker
S/Richard Conder
S/W. D. Goldston, Jr.
S/Aaron W. Plyler, Sr.
S/Richard E. Chalk, Jr.
S/Donald R. Kincaid
S/Marvin Ward

Conferees on the part of the Senate

S/David H. Diamont
S/R. D. Beard
S/George M. Holmes
S/Gene Wilson
S/J. W. Crawford
S/John Tart
S/Ruth M. Easterling
S/Milton F. Fitch, Jr.
S/John B. McLaughlin
S/Anne C. Barnes
S/Charlotte Gardner
S/Skip Stam
S/Doris Huffman
S/Theresa Esposito
S/David Redwine

Conferees on the part of the House of Representatives

The text of the attached Proposed Conference Committee Substitute PCCS-4750, is as follows:

A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1990-91 FISCAL YEAR AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

Requested by: Senator Royall, Representative Diamont
-----INTRODUCTION

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

Requested by: Senator Royall, Representative Diamont
-----TITLE OF ACT

Sec. 2. This act shall be known as "The Current Operations Appropriations Act of 1990."

*****

An outline of the provisions of the act follows this section. The outline shows the heading "-----CONTENTS/INDEX-----" and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

-----CONTENTS/INDEX-----

(This outline is designed for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act.)

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PART I.-----GENERAL FUND APPROPRIATIONS

-----CURRENT OPERATIONS/STATE GOVERNMENT/STATE AID

Sec. 3. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated and appropriations from the General Fund of the State for aid to certain governmental and nongovernmental units are made for the fiscal year ending June 30, 1991, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the General Fund for these purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from General Fund appropriations for the 1990-91 fiscal year.

Current Operations/State Government and State Aid	1990-91
General Assembly	
01. Current Operations	$ (652,119)
02. Reserve - Negative Appropriations	(333,847)

Judicial Department	
01. Current Operations	(5,409,241)
02. Reserve - Negative Appropriations	(3,272,798)
Department of the Governor	
01. Office of the Governor	
a. Current Operations	(147,761)
b. Reserve - Negative Appropriations	(76,621)
02. Office of State Budget and Management	
a. Current Operations	(111,904)
b. Reserve - Negative Appropriations	(54,729)
03. Special Appropriations - State Aid	(32,400)
Lieutenant Governor's Office	
01. Current Operations	(18,434)
02. Reserve - Negative Appropriations	(10,946)
Department of Secretary of State	
01. Current Operations	(113,771)
02. Reserve - Negative Appropriations	(60,202)
Department of State Auditor	
01. Current Operations	(243,544)
02. Reserve - Negative Appropriations	(125,877)
Department of State Treasurer	
01. Current Operations	(147,052)
02. Reserve - Negative Appropriations	(76,621)
Department of Public Education - Department	
01. Current Operations	466,097
02. Reserve - Negative Appropriations	(842,828)
Department of Public Education - Public School Fund	
01. Current Operations	(72,240,783)
02. Reserve - Negative Appropriations	(45,000,000)
Department of Justice	
01. Current Operations	(1,470,747)
02. Reserve - Negative Appropriations	(782,626)
Department of Administration	
01. Administration	
a. Current Operations	(1,128,057)
b. State Aid	(116,749)
c. Reserve - Negative Appropriations	(777,153)
02. State Controller	
a. Current Operations	(166,298)
b. Reserve - Negative Appropriations	(87,566)
Department of Agriculture	
01. Current Operations	(1,250,700)
02. State Aid	(8,250)
03. Reserve - Negative Appropriations	(640,330)
Department of Labor	
01. Current Operations	(260,005)
02. Reserve - Negative Appropriations	(131,350)

Department of Insurance	
01. Current Operations	(403,074)
02. Reserve - Negative Appropriations	(202,498)
Department of Environment, Health, and Natural Resources	
01. Current Operations	(1,943,767)
02. State Aid	1,380,523
03. Reserve - Negative Appropriations	(814,349)
Office of Administrative Hearings	
01. Current Operations	(62,288)
02. Reserve - Negative Appropriations	(32,837)
State Board of Elections	
01. Reserve - Negative Appropriations	(5,473)
Administrative Rules Review Commission	
01. Current Operations	(8,166)
02. Reserve - Negative Appropriations	(5,473)
Department of Human Resources	
01. Alcoholic Rehabilitation Center - Black Mountain	(5,429)
02. Alcoholic Rehabilitation Center - Butner	(30,222)
03. Alcoholic Rehabilitation Center - Greenville	53,403
04. N.C. Special Care Center	(2,794,462)
05. Black Mountain Center	1,096,184
06. DHR - Administration and Support Program	
a. Current Operations	(822,619)
b. Reserve - Negative Appropriations	(17,163,035)
07. Division of Aging	-
08. Schools for the Deaf and Blind	(168,064)
09. Social Services	
a. Current Operations	11,676,021
b. State Aid	(1,200,000)
10. Social Services - State Aid to Non-State Agencies	100,000
11. Medical Assistance	
a. Current Operations	(5,634,070)
b. State Aid	750,000
12. Division of Services for the Blind	(130,975)
13. Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	
a. Current Operations	490,250
b. State Aid	3,648,744
14. Dorothea Dix Hospital	(2,083,669)
15. Broughton Hospital	(1,618,647)
16. Cherry Hospital	(2,050,531)
17. John Umstead Hospital	(1,399,609)
18. Western Carolina Center	(204,615)
19. O'Berry Center	(1,175,094)
20. Murdoch Center	(593,484)
21. Caswell Center	(3,753,347)
22. Division of Facility Services	-
23. Division of Vocational Rehabilitation Services	(826,140)
24. Division of Youth Services	97,500
Total Department of Human Resources	(23,741,910)

Department of Correction		
01.	Current Operations	8,497,697
02.	State Aid	190,000
03.	Reserve - Negative Appropriations	(6,392,354)
Department of Transportation		
01.	State Aid Aeronautics	(195,497)
02.	Aid to Railroads	(66,002)
Department of Economic and Community Development		
01.	Economic and Community Development	
	a. Current Operations	(486,174)
	b. State Aid	(425,000)
	c. Reserve - Negative Appropriations	(448,778)
02.	Microelectronics Center	
	a. State Aid	(1,671,000)
03.	Biotechnology Center	
	a. State Aid	(363,776)
	b. Reserve - Negative Appropriations	(125,877)
Department of Revenue		
01.	Current Operations	(1,703,372)
02.	Reserve - Negative Appropriations	(864,719)
Department of Cultural Resources		
01.	Current Operations	(664,882)
02.	State Aid	(542,775)
03.	Reserve - Negative Appropriations	(612,966)
Department of Crime Control and Public Safety		
01.	Current Operations	(897,114)
02.	State Aid	165,000
03.	Reserve - Negative Appropriations	(448,778)
University of North Carolina - Board of Governors		
02.	General Administration	(1,837,118)
03.	University Operations -	
	a. Current Operations Lump Sum	(150,000)
	b. Reserve - Negative Appropriations	(16,911,281)
04.	Related Educational Programs	
	a. Current Operations	(149,248)
	b. State Aid	(1,264,052)
	c. Reserve - Negative Appropriations	
	(01) Current Operations	(103,405)
	(02) State Aid	(629,964)
05.	University of North Carolina at Chapel Hill	
	a. Academic Affairs	(4,191,631)
	b. Division of Health Affairs	(2,630,850)
	c. Area Health Education Centers	(776,126)
06.	North Carolina State University at Raleigh	
	a. Academic Affairs	(5,068,248)
	b. Agricultural Research Service	(1,182,000)
	c. Agricultural Extension Service	(922,966)
07.	University of North Carolina at Greensboro	(1,807,442)
08.	University of North Carolina at Charlotte	(1,846,863)
09.	University of North Carolina at Asheville	(498,626)
10.	University of North Carolina at Wilmington	(1,057,170)

11. East Carolina University	
a. Academic Affairs	(2,428,095)
b. Division of Health Affairs	(1,232,739)
12. North Carolina Agricultural and Technical State University	(1,147,342)
13. Western Carolina University	(1,137,402)
14. Appalachian State University	(1,724,988)
15. Pembroke State University	(476,647)
16. Winston-Salem State University	(492,863)
17. Elizabeth City State University	(435,513)
18. Fayetteville State University	(526,273)
19. North Carolina Central University	(894,904)
20. North Carolina School of the Arts	(248,353)
21. North Carolina Science and Math High School	
a. Current Operations	(230,356)
b. Reserve - Negative Appropriations	(109,458)
22. University of North Carolina Hospitals at Chapel Hill	
a. Current Operations	(1,159,170)
b. Reserve - Negative Appropriations	(585,601)
Total University of North Carolina	(53,856,694)
Department of Community Colleges - Department	
01. Current Operations	(336,404)
02. Reserve - Negative Appropriations	(169,660)
Department of Community Colleges - Institutions	
01. Current Operations	(2,571,794)
Contingency and Emergency	(33,750)
Reserve for Salary Adjustments	(11,273)
Reserve - Accounting System	2,000,000
Reserve for Salary Increases	(9,200,000)
Debt Service	4,720,800
GRAND TOTAL CURRENT OPERATIONS/STATE GOVERNMENT AND STATE AID/GENERAL FUND	$ (227,679,666)

PART II.-----HIGHWAY FUND APPROPRIATIONS

-----CURRENT OPERATIONS/HIGHWAY FUND

Sec. 4. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the fiscal year ending June 30, 1991, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the Highway Fund for these purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from Highway Fund appropriations for the 1990-91 fiscal year.

Current Operations-Highway Fund	1990-91
Department of Transportation	
01. Administration	$ 2,775,000
02. Highways	
a. State Construction	
(01) Secondary Construction	(2,790,393)

	(02) Special Appropriation for Highways	(65,257,535)
	b. Ferry Operations	(373,298)
03.	Division of Motor Vehicles	3,639,213
04.	Primary Maintenance	10,131,378
Appropriations for Other State Agencies		
01.	Crime Control and Public Safety	(3,167,748)
02.	Department of Correction	2,883,856
03.	State Treasurer	17,000,000
Reserve for Unforeseen Events		2,145,177
GRAND TOTAL CURRENT OPERATIONS--HIGHWAY FUND		$ (33,014,350)

-----CURRENT OPERATIONS/STATE AID

Sec. 5. Appropriations from the Highway Fund of the State to State departments, institutions, and agencies for aid to certain governmental and nongovernmental units are made for the fiscal year ending June 30, 1991, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the Highway Fund for these purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from Highway Fund appropriations for the 1990-91 fiscal year.

Highway Fund	1990-91
State Aid to Municipalities	$ (2,790,393)
Grant to Keep North Carolina Beautiful, Inc.	25,000
GRAND TOTAL STATE AID--HIGHWAY FUND	$ (2,765,393)

PART III.-----BLOCK GRANT APPROPRIATIONS

Requested by: Senators Walker, Martin of Pitt, Representatives B. Ethridge, Redwine, Gardner

-----BLOCK GRANT PROVISIONS

Sec. 6. (a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 1991, according to the following schedule:

JOB TRAINING PARTNERSHIP ACT		
01.	Title II A funds to the 27 service delivery areas to train economically disadvantaged youth and adults	$ 18,917,881
02.	Education setaside to State education agencies for projects to serve eligible participants	1,940,295
03.	Incentive grants and technical assistance funds to service delivery areas	1,455,222
04.	Funds for training economically disadvantaged older workers	727,611
05.	Funds to the Department of Economic and Community Development to administer and audit all activities related to the Job Training P'ship Act Programs	1,212,685
06.	Title II B Summer Youth Employment and Training funds to service	

delivery areas for economically disadvantaged youth	9,695,044
07. Title III Dislocated workers funds to the Employment Security Commission	3,877,627
TOTAL JOB TRAINING PARTNERSHIP ACT	$ 37,826,365
COMMUNITY SERVICES BLOCK GRANT	
01. Community Action Agencies	$ 7,899,715
02. Limited Purpose Agencies	438,873
03. Department of Human Resources to administer and monitor the activities of the Community Services Block Grant	438,873
TOTAL COMMUNITY SERVICES BLOCK GRANT	$ 8,777,461
COMMUNITY DEVELOPMENT BLOCK GRANT	
01. State Administration	$ 824,680
02. Urgent Needs/Contingency	1,770,466
03. Development Planning/Housing	1,770,466
04. Economic Development	7,081,864
05. Community Revitalization	24,786,524
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT	$ 36,234,000
EDUCATION CONSOLIDATION AND IMPROVEMENT BLOCK GRANT	$ 11,526,834
PREVENTIVE HEALTH BLOCK GRANT	
01. Emergency Medical Services	$ 455,087
02. Basic Public Health Services	879,362
03. Hypertension Programs	545,234
04. Health Education/Risk Reduction Programs and Health Promotion/Local Health Departments	936,118
05. Fluoridation of Water Supplies	146,079
06. Rape Prevention and Rape Crisis Programs	91,010
07. AIDS/HIV Education, Counseling, and Testing	294,374
08. TB Control Program	57,077
TOTAL PREVENTIVE HEALTH BLOCK GRANT	$ 3,404,341
MATERNAL AND CHILD HEALTH SERVICES	
01. Healthy Mother/Healthy Children Block Grants to Local Health Departments	$ 11,718,781
02. High Risk Maternity Clinic Services, Perinatal Education, and Consultation to Local Health Departments and Other Health Care Providers	1,467,217
03. Services to Disabled Children	4,132,297
04. Sudden Infant Death Syndrome	32,633
05. Lead-Based Paint Poisoning	71,200
06. New Special Projects	1,249,653
07. Reimbursements for Local Health Departments for Contracted Nutritional Services	120,530
TOTAL MATERNAL AND CHILD HEALTH SERVICES	$ 18,792,311

SOCIAL SERVICES BLOCK GRANT		
01.	County Departments of Social Services	$ 43,304,967
02.	Allocation for In-Home Services provided by County Departments of Social Services	1,200,000
03.	Division of Mental Health, Developmental Disabilities, and Substance Abuse	5,881,994
04.	Division of Services for the Blind	3,069,228
05.	Division of Youth Services	1,051,428
06.	Division of Facility Services	263,261
07.	Division of Aging	333,706
08.	Day Care Services	12,517,760
09.	Volunteer Services	53,361
10.	State Administration and State Level Contracts	3,401,714
11.	Voluntary Sterilization funds	100,000
12.	Transfer to Maternal and Child Health Block Grant	1,691,909
13.	Adult Day Care Services	661,419
14.	County Departments of Social Services for Child Abuse/Prevention and Permanency Planning	400,000
15.	Allocation to Division of Health Services for Grants in Aid to Prevention Programs	445,000
16.	Transfer to Preventive Health Block Grant for Emergency Medical Services and Basic Public Health Services	492,611
17.	Allocation to Preventive Health Block Grant for AIDS Education	294,374
18.	Allocation to Department of Administration for North Carolina Fund for Children	45,270
TOTAL SOCIAL SERVICES BLOCK GRANT		$ 75,208,002
LOW INCOME ENERGY BLOCK GRANT		
01.	Energy Assistance Programs	$ 18,196,292
02.	Crisis Intervention	4,441,897
03.	Administration	1,968,611
04.	Weatherization Program	1,737,187
05.	Indian Affairs	27,222
06.	Transfer to Preventive Health Block Grant for Emergency Medical Services Program	209,116
07.	Transfer to Social Services Block Grant for Adult Day Care Services	417,648
08.	Transfer to Social Services Block Grant for State Administration & Contract Service	192,748
09.	Transfer to Maternal and Child Health Grant for Maternal and Child Health Block Grant in the Division of Health Services for Healthy Mothers and Children	1,696,362
10.	Transfer to SSBG for allocation to the Department of Administration for the North Carolina Fund for Children	45,270
TOTAL LOW INCOME ENERGY BLOCK GRANT		$ 28,932,353
ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT		
01.	Allocate funds to the four regional offices on a per capita basis for mental health services	$ 1,866,556
02.	Provide services for young chronically mentally ill adults, some of whom aged out of the Willie M. class prior to receiving appropriate services	200,000
03.	Programs for the Chronically Mentally Ill	3,084,847

04.	Continuation of child mental health nonresidential services in accordance with the Child Mental Health Plan	279,781
05.	Continuation of child mental health residential services including group homes, specialized foster care,therapeutic homes, professional parenting programs, and respite care, with an emphasis on children under the age of 12	341,418
06.	Continuation and expansion of community- based alcohol and drug services including prevention, early inter-vention, treatment, rehabilitation, nonhospital medical detoxification, and training	5,435,884
07.	Continuation and expansion of services to female substance abusers, including specialized services at the ADATCS	2,448,946
08.	Continuation and expansion of services to IV drug abusers, including increased capacity for drug screens and IV services at the ADATCS	3,477,240
09.	Services to adolescents, including continuation and expansion of services in accordance with the Youth Substance Abuse Plan	3,140,864
10.	Funding to support the provision of Treatment Alternatives to Street Crimes (TASC) programs for adults and four demonstration projects with local jails	462,104
11.	Continuing of funding for detoxification services in the Eastern Region	1,048,110
12.	Revolving loan pool for residential living for recovering substance abusers	100,000
13.	Administration	1,000,898
TOTAL ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT		$ 22,886,648
MENTAL HEALTH SERVICES FOR THE HOMELESS BLOCK GRANT		
01.	Specialized Community Services for the Chronically Mentally Ill	$ 275,000
02.	Community-based Services for Chronically Mentally Ill Youth	75,195
TOTAL MENTAL HEALTH SERVICES FOR THE HOMELESS BLOCK GRANT		$ 350,195
COMMUNITY YOUTH ACTIVITY PROGRAM BLOCK GRANT		
01.	Development of Community-Based Substance Abuse Prevention Programs for Youth	$ 83,623
02.	Evaluation	6,800
TOTAL COMMUNITY YOUTH ACTIVITY PROGRAM BLOCK GRANT		$ 90,423

(b) Decreases in Federal Fund Availability

If federal funds are reduced below the amounts specified above after the effective date of this act, then every program, in each of the federal block grants listed above, shall be reduced by the same percentage as the reduction in federal funds. If federal funds are reduced in the Education Consolidation and Improvement Act Chapter II Block Grant, then the State Board of Education shall determine how reductions are to be made among the various local agencies.

(c) Increases in Federal Fund Availability

Any block grant funds appropriated by the United States Congress in addition to the funds specified in this act shall be expended as follows:

(1) For the Community Development Block Grant or for the Preventive Health Block Grant -- each program category under the Community Development Block Grant or the Preventive Health Block Grant, as applicable, shall be increased by the same percentage as the increase in federal funds.

(2) For the Maternal and Child Health Services Block Grant -- these additional funds shall be allocated to local health departments to assist in the reduction of infant mortality.

(3) For other block grants -- these additional funds may be budgeted by the appropriate department, with the approval of the Office of State Budget and Management, provided the resultant increases are in accordance with federal block grant requirements and are within the scope of the block grant plan approved by the General Assembly. All these budgeted increases shall be reported to the Joint Legislative Commission on Governmental Operations and to the Director of the Fiscal Research Division.

This subsection shall not apply to Job Training Partnership Act funds.

(d) Education Setaside of JTPA Funds

The Department of Economic and Community Development shall certify to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office when Job Training Partnership Act funds have been distributed to each agency, the total amount distributed to each agency, and the total amount of eight percent (8%) Education Setaside funds received.

PART IV.-----GENERAL PROVISIONS

Requested by: Senator Royall, Representative Diamont

-----NEGATIVE RESERVES/MANAGEMENT FLEXIBILITY

Sec. 7. (a)(1) To achieve the negative reserves set out in this act, each State department, institution, and agency and the public schools shall give highest priority to leaving positions vacant pursuant to subdivision (a)(2) of this subsection.

(2) The Office of State Budget and Management shall manage quarterly allotments so as to maximize savings from the General Fund for fiscal year 1990-91 by not filling vacancies (i) in positions that have never been filled or (ii) caused by resignation or retirement, unless the Governor has determined that there is a critical need to fill the vacancies. These actions shall result in savings of at least $40,000,000 from the General Fund for the 1990-91 fiscal year.

The Office of State Budget and Management shall make every effort to allocate the freeze equitably based on the vacant position report used by the Senate Appropriations Committee in selecting this reduction and, at the same time, protecting critical vacant positions needed in the State's institutions and prisons.

This subdivision applies to State government and to State-funded positions in the public school system, but it does not apply (i) to the employees of the Senate, the House of Representatives, or the Legislative Services Office, or (ii) to any teaching position with classroom responsibilities in the public school system, in The University of North Carolina system, in the Correctional System, or in the Department of Human Resources.

(b)(1) To the extent the Director of the Budget finds that actions taken pursuant to the subsection (a) of this section are not adequate to achieve the negative reserves set out in this act, the budget flexibility provisions set out in this subsection shall apply.

(2) G.S. 143-27 reads as rewritten:

"§ 143-27. Appropriations to educational, charitable and correctional institutions are in addition to receipts by them.

All appropriations now or hereafter made to the educational institutions, and to the charitable and correctional institutions, and to such other departments and agencies of the State as receive moneys available for expenditure by them are declared to be in addition to such receipts of said institutions, departments or agencies, and are to be available as and to the extent that such receipts are insufficient to meet the costs anticipated in the budget authorized by the General Assembly, of maintenance of such institutions, departments, and ~~agencies; Provided, however, that if the receipts, other than gifts and grants that are unanticipated and are for a specific purpose only, collected in a fiscal year by an institution, department, or agency exceed the receipts certified for it in General Fund Codes or Highway Fund Codes, the Director of the Budget shall decrease the amount he allots to that institution, department, or agency from appropriations from that Fund by the amount of the excess, unless the Director of the Budget finds that the appropriations from that Fund are necessary to maintain the function that generated the receipts at the level anticipated in the certified Budget Codes for that Fund. Notwithstanding the foregoing provisions of this section, receipts within The University of North Carolina realized in excess of budgeted levels shall be available, up to a maximum of ten percent (10%) above budgeted levels, for each Budget Code, in addition to appropriations, to support the operations generating such receipts, as approved by the Director of the Budget.~~

~~The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office within 30 days after the end of each quarter on expenditures of receipts in excess of the amounts certified in General Fund Codes or Highway Fund Codes that did not result in a corresponding reduced allotment from appropriations from that Fund.~~ agencies."

(3) G.S. 143-23(a1) reads as rewritten:

"(a1) No transfers may be made between line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for a line item if the overexpenditure is:

(1) In a program for which funds were appropriated for that fiscal period and the total amount spent for the program is no more than was appropriated for the program for the fiscal period;
(2) Required to continue a program because of unforeseen events, so long as the scope of the program is not increased;
(3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;
(4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or
(5) Required to call out the National Guard.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office the reason if the amount expended for a program is more than the amount appropriated for it from all sources.

~~Funds appropriated for salaries and wages may only be used for salaries and wages or for premium pay, overtime pay, longevity, unemployment compensation, workers' compensation, temporary wages, contracted personal services, moving expenses, payment of accumulated annual leave, certain awards to employees, tort claims, and employer's social security, retirement, and hospitalization payments: provided, however, funds appropriated for salaries and wages may also be used for purposes for which over expenditures are permitted by subdivisions (3), (4), and (5) of this subsection but the Director of the Budget shall include such use and the reason for it in his quarterly report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.~~ Lapsed salary funds

that become available from vacant positions may not be used for new permanent employee positions or to raise the salary of existing employees.

As used in this subsection, 'program' means a group of expenditure and receipt line items for support of a specific budgeted activity outlined in the certified budget for each department, agency, or institution, as designated by the four-digit fund (purpose) number in the Budget Preparation System.

The requirements in this section that the Director of the Budget report to the Joint Legislative Commission on Governmental Operations shall not apply to expenditures of receipts by entities that are wholly receipt supported, except for entities supported by the Wildlife Resources Fund."

(c) The Office of State Budget and Management shall provide a quarterly report to each member of the General Assembly and to the Joint Legislative Commission on Governmental Operations and a monthly report to the Fiscal Research Division on budgetary actions taken pursuant to this section. The Office of State Budget and Management shall also report to the appropriations committees of the Senate and the House of Representatives prior to March 15, 1991, on budgetary actions taken through February 28, 1991, pursuant to this section and any other such actions anticipated during the 1990-91 fiscal year.

The March 15, 1991, report shall include vacant positions identified statewide that would result in $40,000,000 of annualized savings should these positions be eliminated.

(d) All reductions achieved pursuant to the provisions of this section shall be temporary unless they are made permanent by the General Assembly.

(e) The Governor shall submit to the General Assembly with his proposed budget for the 1991-93 fiscal biennium a report of which items in the proposed budget are continuations of budget reductions achieved pursuant to the provisions of this section.

(f) This section shall not be construed to permit the creation of any new programs not authorized by the General Assembly or the elimination of any programs for which the appropriations committees of the Senate or the House of Representatives considered cuts that were not enacted for the 1990-91 fiscal year.

(g) This section shall become effective July 1, 1990, and shall expire June 30, 1991. Subdivisions (b)(2) and (b)(3) of this section shall become effective only to the extent the Director of the Budget finds necessary to achieve the reductions set out as "Reserves - Negative Appropriations" in the appropriations for each department.

Sec. 8. Section 48 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 48. Sections 156 through 160 of Chapter 479 of the 1985 Session Laws, as amended, and G.S. 143-16.3, do not apply to the extent that the Director of the Budget finds that compliance is impossible and that deviation is necessary because of complications in the budget process that were not contemplated when the budget for the 1989-91 fiscal biennium was enacted.

The Director of the Budget shall report, on a monthly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office on any deviations from Sections 156 through 160 of Chapter 479 of the 1985 Session Laws, as amended, and G.S. 143-16.3, and the reasons it was impossible to comply.

This section does not authorize deviations from Sections 156 through 160 of Chapter 479 of the 1985 Session Laws, as amended, and G.S. 143-16.3, to combine fund codes."

Sec. 9. (a) The Department of Environment, Health, and Natural Resources shall use funds available within its budget for the 1990-91 fiscal year for current operations to provide funds for programs according to the following schedule:

	Program	Amount
1.	Health Aid to Counties	$289,407
2.	Communicable Disease - Vaccines	109,232
3.	Tuberculosis Control	200,689

4.	Environmental Epidemiology	16,990
5.	Vital Records	22,279
6.	Environmental Health Aid to Counties	324,667
7.	Mosquito Aid to Counties	100,000
8.	Adult Health Care	274,814
9.	Epilepsy Contracts	9,439
10.	Adult Health Promotion	134,927
11.	Hypertension Program	20,373
12.	Arthritis Program	6,249
13.	Genetic Screening Contracts	200,000
14.	Adolescent Pregnancy Prevention Program	120,000

(b) The negative reserve for the Department of Environment, Health, and Natural Resources in Section 3 of this act has been reduced by the total amount of expenditures required by subsection (a) of this section. The expenditures required by subsection (a) of this section are not subject to the budget flexibility authorized in Section 7 of this act.

Requested by: Senator Royall, Representative Diamont

-----BUDGET STABILIZATION RESERVE

Sec. 10. There is appropriated from the General Fund to the Office of State Budget and Management the sum of $141,000,000 for the 1990-91 fiscal year for the initial establishment of a Budget Stabilization Reserve. The purpose of the Reserve is to provide a mechanism to stabilize the annual funding availability for carrying out State programs and providing financial assistance to local government units.

It is the intent of the General Assembly that the Economic Future Study Commission develop recommended rules governing the creation and maintenance of a permanent Reserve and that the 1991 General Assembly enact laws establishing the permanent Reserve.

It is also the intent of the General Assembly that the Reserve will be financed from General Fund revenues that would otherwise be expended and that the monies placed in the Reserve will be used to offset unanticipated reductions in funding availability resulting from changes in the economic outlook, federal tax changes, corporate financial actions, judicial decisions, federal spending mandates, and natural disasters.

The funds in the Reserve shall not be spent during the 1990-91 fiscal year without the prior approval of the General Assembly.

Requested by: Senator Royall, Representative Diamont

-----APPROPRIATION OF STATE TAX REVENUE TO LOCAL GOVERNMENTS

Sec. 11. In accordance with G.S. 105-113.82, 105-116, 105-120, and 105-213, as amended by Chapter 813 of the 1989 Session Laws, the following appropriations are made from the designated State tax revenue deposited in the General Fund to local governments for the 1990-91 fiscal year:

(1)	Appropriation of franchise tax revenue, pursuant to G.S. 105-116 and 105-120	$121,900,000
(2)	Appropriation of intangibles tax revenue, pursuant to G.S. 105-213	99,700,000
(3)	Appropriation of beverage tax revenue, pursuant to G.S. 105-113.82	21,100,000

The amounts appropriated shall be adjusted during the 1990-91 fiscal year based on the actual revenue collections received under the designated revenue sources. If an amount appropriated in subdivision (1), (2), or (3) of this section exceeds the adjusted amount based on the designated revenue source, the excess reverts to the General Fund. If an amount appropriated in subdivision (1), (2), or (3) of this section is

less than the adjusted amount based on the designated revenue source, the deficiency is appropriated from the designated revenue source to the local governments.

Requested by: Representative Jack Hunt
-----REMOVE SUNSET ON REGULATION OF DENTAL ANESTHESIA

Sec. 12. (a) Chapter 1073 of the 1987 Session Laws is reenacted, and Section 2 of that act reads as rewritten:

"Sec. 2. This act is effective upon ~~ratification,~~ ratification. ~~but shall expire June 30, 1990, and shall have no force and effect after that date.~~"

(b) This section shall become effective June 29, 1990.

PART V.-----DEPARTMENT OF ADMINISTRATION

Requested by: Senator Martin of Guilford, Representatives Easterling, Michaux
-----N.C. COALITION AGAINST DOMESTIC VIOLENCE FUNDS

Sec. 13. Section 15 of Chapter 752 of the 1989 Session Laws, reads as rewritten:

"Sec. 15. The funds appropriated to the Department of Administration, Council on the Status of Women, for fiscal years 1989-90 and 1990-91 for domestic violence centers, shall be allocated equally among all of the 61 domestic violence centers in operation on February 1, 1989, that offered services including a hotline, transportation services, community education programs, daytime services, and call forwarding during the night. For the 1989-90 fiscal year, each grant shall be $15,000. For the 1990-91 fiscal year, each grant shall be $17,500. The North Carolina Coalition Against Domestic Violence, Incorporated, is eligible for a grant of $10,000 under this section."

Requested by: Senator Martin of Guilford, Representatives Easterling, Michaux
-----REDUCTION IN COUNCIL OF GOVERNMENTS FUNDS

Sec. 14. Section 42 of Chapter 500 of the 1989 Session Laws, reads as rewritten:

"Sec. 42. (a) Of the funds appropriated by Section 5 of this act to the Department of Administration, the sum of nine hundred ninety thousand dollars ($990,000) for the 1989-90 fiscal year and nine hundred ~~ninety thousand~~ sixty thousand three hundred dollars ~~($990,000)~~ ($960,300) for the 1990-91 fiscal year shall only be used as provided by this section. Each regional council of government or lead regional organization is allocated an amount up to fifty-five thousand dollars ($55,000) ~~each fiscal year~~ in the 1989-90 fiscal year and fifty-three thousand three hundred fifty dollars ($53,350) in the 1990-91 fiscal year, with the actual amount calculated as provided in subsection (b) of this section.

(b) The funds shall be allocated as follows: A share of the maximum ~~fifty-five thousand dollars ($55,000)~~ each fiscal year shall be allocated to each county and smaller city based on the most recent annual estimate of the Office of State Budget and Management of the population of that county (less the population of any larger city within that county) or smaller city, divided by the sum of the total population of the region (less the population of larger cities within that region) and the total population of the region living in smaller cities. Those funds shall be paid to the regional council of governments for the region in which that city or county is located upon receipt by the Department of Administration of a resolution of the governing board of the county or city requesting release of the funds. If any city or county does not so request payment of funds by June 30 of a State fiscal year, that share of the allocation for that fiscal year shall revert to the General Fund.

(c) A council of governments may use funds appropriated by this section only to assist local governments in grant applications, economic development, community development, support of local industrial development activities, and other activities as deemed appropriate by the member governments.

(d) Funds appropriated by this section may not be used for payment of dues or assessments by the member governments, and may not supplant funds appropriated by the member governments.

(e) As used in this section 'Larger City' means an incorporated city with a population of 50,000 or over. 'Smaller City' means any other incorporated city."

Requested by: Representative DeVane

-----THE NORTH CAROLINA STATE INDIAN HOUSING AUTHORITY IS A HOUSING AUTHORITY GOVERNED BY CHAPTER 157 OF THE GENERAL STATUTES, AND IS NOT A STATE AGENCY

Sec. 15. (a) The Director of the Office of Indian Housing has stated that if the North Carolina State Indian Housing Authority is a State agency, then it will be ineligible to receive more than $1,000,000 per year in federal assistance. This section clarifies that the Authority is not a State agency.

(b) G.S. 157-66 reads as rewritten:

"**§ 157-66. Authority created.**

There is hereby created and established a public body corporate and politic to be known as the North Carolina State Indian Housing Authority which shall be governed by the provisions of law controlling housing authorities as set out in this Chapter as well as other applicable provisions of the General Statutes. It is the intent of the General Assembly that the North Carolina State Indian Housing Authority not be treated as a State agency for any purpose, but rather that it be treated as a housing authority as set out above."

Requested by: Senator Martin of Guilford, Representatives Easterling, Michaux

-----LIMIT ON DOMESTIC VIOLENCE AND RAPE CRISIS PROGRAMS

Sec. 16. Notwithstanding the budget flexibility authorized in Section 7 of this act, no reductions for the 1990-91 fiscal year may be taken by the Department of Administration for the Domestic Violence and Rape Crisis Programs.

Requested by: Senator Martin of Guilford, Representatives Ramsey, Easterling

-----PARKING FEES/PARKING DECK CREDIT

Sec. 17. The Department of Administration shall make quarterly deposits to total $1,908,300 of the parking fees collected in the 1990-91 fiscal year with the State Treasurer as a nontax revenue, to offset the General Fund appropriation for principal and interest on the parking deck authorized by Chapter 1048 of the 1987 Session Laws, Regular Session 1988.

PART VI.-----DEPARTMENT OF CULTURAL RESOURCES

Requested by: Senator Basnight, Representative Easterling

-----PERMIT WASHINGTON COUNTY TO USE GRANT-IN-AID FUNDS FOR AN ADDITIONAL PURPOSE

Sec. 18. Funds appropriated in Chapter 830 of the 1987 Session Laws for Washington County for a grant-in-aid to be used in preserving the history of the County by microfilming **The Roanoke Beacon**, the local newspaper, may be used by Washington County to pay a museum curator.

Requested by: Senator Swain, Representative R. Hunter

-----OLD FORT BRANCH MUSEUM FUNDS

Sec. 19. The unexpended balance of funds appropriated in the amount of $50,000 to the Department of Cultural Resources in Section 4 of Chapter 1014 of the 1985 Session Laws, 1986 Regular Session, may be used for capital improvements for Old Fort Branch Museum (Mountain Gateway Museum).

Requested by: Senator Basnight, Representative James

-----ELIMINATE THE MATCHING REQUIREMENT FOR FUNDS PREVIOUSLY APPROPRIATED FOR THE LATHAM HOUSE

Sec. 20. Section 20 of Chapter 778 of the 1985 Session Laws reads as rewritten:

"Sec. 20. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of ten thousand dollars ($10,000) for fiscal year 1985-86 to assist in the adaptive restoration of the Latham House. ~~House in Plymouth, provided a like amount of non-State funds is raised by the Latham Foundation to match this appropriation on a dollar-for-dollar basis.~~"

PART VII.-----GENERAL ASSEMBLY

Requested by: Senator Royall

-----DEFER CONVENING OF GENERAL ASSEMBLY

Sec. 21. G.S. 120-11.1 reads as rewritten:

"**§ 120-11.1. Time of meeting.**

The regular session of the Senate and House of Representatives shall be held biennially beginning at 12:00 noon on the ~~first~~ third Wednesday after the second Monday in January next after their election."

Requested by: Senator Basnight, Representative Easterling

-----ECONOMIC FUTURE COMMISSION

Sec. 22. (a) The Economic Future Study Commission is created. The Commission shall:

(1) Review the State's needs for changes in the revenue and budget structure to meet the needs of the State over the long term;

(2) Make a comprehensive review of the State and local tax system, particularly in light of future economic trends that may affect revenues generated by existing taxes; and

(3) Recommend proposals to enhance the State's revenue position, adapt the State tax structure to changes in the economy, avoid placing undue tax burdens on any segment of the population, and preserve the positive impact of the tax structure on the economic future of the State.

(b) The Commission shall consist of 30 members to be appointed as follows:

(1) Two members of the Senate appointed by the President Pro Tempore of the Senate.

(2) Eight public members appointed by the President Pro Tempore of the Senate.

(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives.

(4) Eight public members appointed by the Speaker of the House of Representatives.

(5) Two members of the General Assembly appointed by the Governor.

(6) Eight public members appointed by the Governor.

The President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor shall ensure that the members of the Commission are representative of all North Carolinians, including representatives of business and industry, professionals, educators, ethnic groups, environmental advocates, low-income citizens, and consumers. The three appointing officers shall jointly designate one member to serve as chair of the Commission.

(c) Members appointed to the Commission shall serve until the Commission makes its final report. Vacancies on the Commission shall be filled by the same appointing officer who made the original appointments.

(d) Upon request of the Commission or its staff, all State departments and agencies and all local government agencies shall furnish to the Commission or its staff any information in their possession or available to them. The Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4.

(e) The Commission shall submit a final report of its findings and recommendations to the 1991 General Assembly on or before February 1, 1991, by filing the report

with the Speaker of the House of Representatives and President Pro Tempore of the Senate. The Commission shall terminate upon filing its final report.

(f) The Commission shall have its initial meeting on or before September 1, 1990. The Commission shall meet upon the call of the chair.

(g) The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of House and Senate supervisors of clerks. The expenses of employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. Commission members may travel to other states in order to examine other states' revenue and budget structures, upon the approval of the Legislative Services Commission.

(h) Members of the Commission shall receive per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also General Assembly members, at the rate established in G.S. 120-3.1;

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6; and

(3) All other Commission members, at the rate established in G.S. 138-5.

Requested by: Representatives Perdue, Easterling

-----COMMISSION ON FUTURE STRATEGIES FOR NORTH CAROLINA

Sec. 23. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 13B.

"Joint Legislative Commission on Future Strategies for North Carolina.

"§ 120-84.6. Purpose.

There is hereby established the Joint Legislative Commission on Future Strategies for North Carolina, hereinafter called the Commission, which shall review future trends and events to consider how they may affect North Carolina, and develop policy options for how State and local governments and the general public can be prepared to benefit from these future trends and events.

"§ 120-84.7. Membership.

The Commission shall consist of six members of the House of Representatives appointed by the Speaker of the House of Representatives and six members of the Senate appointed by the President Pro Tempore of the Senate. Members shall serve for two-year terms beginning on the convening of the General Assembly in each odd-numbered year; provided, however, the terms of initial members shall begin on appointment and end on the day of the convening of the 1991 General Assembly. Members shall not be disqualified from completing a term of service on the Commission because they fail to run or are defeated for reelection. Resignation or removal from the General Assembly shall constitute resignation or removal from membership on the Commission.

Vacancies created by resignation or otherwise shall be filled by the original appointing authority.

A House cochairman and a Senate cochairman shall be elected by the Commission from among its members.

"§ 120-84.8. Powers and duties.

The Commission shall have the following powers and duties:

(1) To review reports which propose future strategies, goals, or recommendations for North Carolina, and determine the status of the proposed strategies, goals, and recommendations.

(2) To review governmental and nongovernmental research and studies relating to current and future trends and events, and to assess the impact of these future trends and events on future governmental policy.

(3) To review current statutes related to comprehensive planning at all levels of government and propose changes considered most consistent with state-of-the-art comprehensive growth management and development policies.

(4) To review the history and current status of intergovernmental relationships in North Carolina.

(5) To conduct periodic surveys to assess citizen attitudes toward current trends and determine their impact on strategic policy options.

(6) To undertake such additional studies, surveys, or evaluations as may, from time to time, be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Legislative Research Commission, or either house of the General Assembly.

(7) To appoint advisory committees, which may include government officials and interested citizens, to examine specific issues as determined by the Commission. A Commission member shall be appointed chairman of such advisory committees.

(8) To conduct studies of long range fiscal impact of proposals or policies under review by the Commission.

(9) To develop rules regarding the selection, design, methodology, and execution of citizens attitude surveys, research and study topics for Commission approval and consideration.

(10) To issue reports, forecasts, and recommendations to the General Assembly, from time to time, on matters relating to the powers and duties set out in this section.

"§ 120-84.9. Reports to the General Assembly.

The reports shall contain findings, recommendations, and forecasts of potential future strategies and policy alternatives which may be beneficial to State and local governments and the general public of North Carolina.

"§ 120-84.10. Additional powers.

The Commission shall have the following additional powers:

(1) While in the discharge of official duties, to have access to any paper or document, and to compel the attendance of any State official or employee before the Commission or secure any evidence under the provisions of G.S. 120-19. In addition, the provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it were a joint committee of the General Assembly.

(2) To apply for and receive gifts and grants from private sources to assist the Commission in fulfilling its duties, subject to the approval of the Legislative Services Commission.

"§ 120-84.11. Compensation and expenses of Commission members.

Members of the Commission shall serve without pay but shall receive per diem and subsistence in accordance with G.S. 138-5, 138-6, or 120-3.1, as appropriate. The facilities of the State Legislative Building and any other State office building used by the General Assembly, shall be available to the Commission for its use.

"§ 120-84.12. Commission staffing.

(a) The Commission may use available clerical employees of the General Assembly, with the approval of the Legislative Services Commission.

(b) The Commission may, with the consent of the Legislative Services Commission, use employees of the Fiscal Research, Legislative Automated Systems, General Research, Legislative Drafting, and Public Information Divisions of the Legislative Services Commission."

Requested by: Representatives Beall, Michaux, Easterling
-----LEGISLATIVE MEMBERS' MILEAGE

July 27, 1990

Sec. 24. (a) G.S. 120-3.1(d) is repealed.

(b) This act shall become effective upon the convening of the 1991 Regular Session of the General Assembly.

PART VIII.-----OFFICE OF THE GOVERNOR

Requested by: Senator Martin of Guilford, Representatives Michaux, Easterling

-----REDUCTION IN CONTINGENCY AND EMERGENCY FUND ALLOCATION

Sec. 25. Section 50 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 50. Of the funds appropriated to the Contingency and Emergency Fund in Section 3 of Chapter 500 of the 1989 Session Laws, the Current Operations Appropriations Act of 1989, the sum of $900,000 for the 1989-90 fiscal year and the sum of $900,000 for the 1990-91 fiscal year shall be designated for emergency allocations, which are for the purposes outlined in G.S. 143-23(a1)(3), (4), and (5). The sum of $225,000 for the 1989-90 fiscal year and the sum of ~~$225,000~~ $191,250 for the 1990-91 fiscal year shall be designated for other allocations from the Contingency and Emergency Fund."

Requested by: Representative Stam

-----FUND COMMITMENT LIMITATIONS

Sec. 26. G.S. 143-18 reads as rewritten:

"§ 143-18. Unencumbered balances to revert to treasury; capital appropriations excepted.

All unencumbered balances of maintenance appropriations shall revert to the State treasury to the credit of the general fund or special funds from which the appropriation and/or appropriations, were made and/or expended, at the end of each fiscal year; except that capital expenditures for the purchase of land, the erection of buildings, new construction or renovations in progress shall continue in force until the attainment of the object or the completion of the work for which the appropriations are made; except that maintenance appropriations to the General Assembly shall remain available until expended, unless otherwise provided by the Legislative Services Commission.

As used in this section, 'unencumbered' means not obligated in the form of purchase orders, contracts, renovations in progress or salary commitments. No purchase orders, contracts, renovations in progress, or salary commitments shall be entered into during a fiscal year unless sufficient funds are available within the purpose for which the funds were appropriated by the General Assembly or as authorized by the Director of the Budget as allowed by law."

PART IX.-----DEPARTMENT OF REVENUE

Requested by: Senator Royall, Representative Diamont

-----MAIL ORDER SALES TAX TO GENERAL FUND

Sec. 27. Effective June 30, 1990, Section 56 of Chapter 1086 of the 1987 Session Laws is repealed. All State sales and use tax proceeds in the State Special Revenue Fund created in Section 56 of Chapter 1086 of the 1987 Session Laws shall be credited to the General Fund. All local sales and use tax proceeds in the Local Special Revenue Fund created in Section 56 of Chapter 1086 of the 1987 Session Laws shall be distributed to local governments in accordance with Articles 39, 40, 41, and 42 of Chapter 105 of the General Statutes and in accordance with Chapter 1096 of the 1967 Session Laws.

Requested by: Senator Royall

-----SCHOOL CAPITAL FUNDING FROM NONRECURRING FUNDS

Sec. 28. (a) It is the intent of the General Assembly that funding for the Public School Building Capital Fund and the Critical School Facility Needs Fund shall not be

reduced but shall be appropriated for the 1990-91 fiscal year from nonrecurring revenue in the same manner as funding for other capital projects. The Public School Building Capital Fund and the Critical School Facility Needs Fund shall have first priority, ahead of all other capital projects, for nonrecurring revenue.

(b) G.S. 115C-546.1 reads as rewritten:

"**§ 115C-546.1. Creation of Fund; administration.**

(a) There is created the Public School Building Capital Fund. The Fund shall be used to assist county governments in meeting their public school building capital needs.

(b) ~~Beginning October 1, 1987, and each month thereafter through July 31, 1988, the Secretary of Revenue shall deposit with the State Treasurer in the Public School Building Capital Fund one-seventh (1/7) of the corporate income tax net collections received during the previous month by the Department of Revenue under Division I of Article 4 of Chapter 105 of the General Statutes. Beginning July 1, 1988, the Secretary of Revenue shall, on a quarterly basis, deposit with the State Treasurer in the Public School Building Capital Fund an amount equal to two million five hundred thousand dollars ($2,500,000) less than one-fourteenth (1/14) of the corporate income tax net collections received during the previous quarter by the Department of Revenue under Division I of Article 4 of Chapter 105 of the General Statutes.~~ All funds deposited in the Public School Building Capital Fund shall be invested as provided in G.S. 147-69.2 and G.S. 147-69.3.

(c) The Fund shall be administered by the Office of State Budget and Management."

(c) G.S. 115C-489.1(b) reads as rewritten:

"**§ 115C-489.1. Creation of fund; administration.**

(a) There is created the Critical School Facility Needs Fund.

(b) ~~On or before January 15, 1988, the Secretary of Revenue shall estimate the amount of additional tax revenue that will be collected during the twelve months ending June 30, 1988, as a result of Section 9 of the School Facilities Finance Act of 1987. The Secretary shall, prior to February 1, 1988, deposit with the State Treasurer in the Critical School Facility Needs Fund, an amount equal to that estimate. These funds shall be drawn from individual income tax net collections received by the Department of Revenue under Division II of Article 4 of Chapter 105 of the General Statutes.~~

~~The Secretary of Revenue shall, on or before February 1, 1988, deposit with the State Treasurer in the Critical School Facility Needs Fund the sum of forty million dollars ($40,000,000). These funds shall be drawn from sales and use tax net collections received by the Department of Revenue under Article 5 of Chapter 105 of the General Statutes.~~

~~Effective July 1, 1988, the Secretary of Revenue shall, on a quarterly basis, deposit with the State Treasurer in the Critical School Facility Needs Fund the sum of two million five hundred thousand dollars ($2,500,000). These funds shall be drawn from the corporate income tax collections received by the Department of Revenue under Division I of Article 4 of Chapter 105 of the General Statutes.~~

All funds deposited in the Critical School Facility Needs Fund shall be invested as provided in G.S. 147-69.2 and G.S. 147-69.3.

(c) The Fund shall be administered by the State Board of Education. Monies in the Fund shall be used only for the purposes specified in this Article."

(d) This section shall become effective July 1, 1990, and shall expire June 30, 1991.

Requested by: Representative Dickson

-----INVENTORY REIMBURSEMENT ADJUSTMENT

Sec. 29. (a) Notwithstanding the provisions of G.S. 105-275.1, the reimbursement to each city and county under G.S. 105-275.1, as amended by this section, for the 1990-91 fiscal year shall be reduced by nineteen one-hundredths of one percent

(0.19%). The reimbursements under G.S. 105-275.1 for the 1991-92 fiscal year shall be calculated as if the amount distributed for the 1990-91 fiscal year had not been reduced pursuant to this subsection.

(b) G.S. 105-275.1 reads as rewritten:

"**§ 105-275.1. Reimbursement for exclusion of manufacturers' inventories and poultry and livestock.**

(a) Initial Distribution. -- On or before January 15, 1989, the governing body of each county and each city shall furnish to the Secretary a list of (i) all the inventories owned by manufacturers that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the county or city under this Subchapter; (ii) all livestock and poultry and feed used in the production of livestock and poultry that was required to be listed and assessed as of January 1, 1987, and was listed on or before September 1, 1987, in the county or city under this Subchapter; (iii) all the crops and other agricultural or horticultural products held for sale, whether in process or ready for sale, owned by taxpayers regularly engaged in the growth, breeding, raising, or other production of new products for sale, that were not included under subdivision (ii) above and that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the county or city under this Subchapter; and (iv) in the case of a city, all the inventories owned by manufacturers that were located as of January 1, 1987, in an area for which the city began annexation proceedings before September 1, 1987, and which became a part of the city after January 1, 1987, and before January 1, ~~1988.~~ 1988; and (v) in the case of a city, all the inventories owned by manufacturers that were located as of January 1, 1987, in an area for which the city began annexation proceedings before September 1, 1987, and which became a part of the city after January 1, 1988, and before July 1, 1990. The list shall contain the value of the inventories and other items as well as the property tax rates in effect in the county or city for the eight years from 1980 through 1987. The list shall also contain the property tax rates in effect for those years in each special district for which the county or city collected taxes in 1987 but whose tax rates were not included in the rates listed for the county or city, and the value of the inventories owned by manufacturers and other items described in subdivisions (ii) and (iii) above that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in that district. The list shall be accompanied by an affidavit attesting to the accuracy of the list and shall be on a form prescribed by the Secretary.

On or before March 20, 1989, the Secretary shall pay to each county and city that submitted a list under this subsection an amount equal to the county or city average rate, as provided below, multiplied by the value of the inventories described in subdivisions (i) and (iv) above contained in the list submitted by the city or county, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

On or before March 20, 1989, the Secretary shall also pay to each county and city that submitted a list under this subsection an amount equal to the average rate, as provided below, for each special district for which the county or city collected taxes in 1987, but whose tax rates were not included in the county or city's rates, multiplied by the value of the inventories owned by manufacturers that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

The Secretary shall calculate an average rate for each county and city, and for each special district whose tax rates were not included in the tax rates of a county or city, as

the arithmetic mean of the property tax rates in effect in the county, city, or district for the eight years from 1980 through 1987. If a county, city, or district did not have tax rates in effect for the entire eight-year period, the average rate shall be the arithmetic mean of the property rates in effect for the years during the eight-year period that it did have rates in effect.

Of the funds received by each county and city pursuant to this subsection, the portion that was received because the county or city was collecting taxes for a special district (either because the district's tax rate was included in the city or county's rate or because the Secretary paid the county or city the product of the district's average rate and the value of the inventories in the district) shall be distributed among the districts in the county or city as soon as practicable after the city or county receives funds under this subsection. The county or city shall distribute to each special district in the county or city an amount equal to the average rate for the district multiplied by the value of the inventories owned by manufacturers that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. The Local Government Commission may adopt rules for the resolution of disputes and correction of errors in the distribution among special districts provided in this paragraph. The Local Government Commission shall report to the 1990 General Assembly any errors it discovers in the information furnished by local governments to the Secretary as required in this subsection.

(b) Subsequent Distributions. -- As soon as practicable after January 1, 1990, the Secretary shall pay to each county and city the amount it received under subsection (a) in 1989 plus an amount equal to the county or city average rate multiplied by the value of the items described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the county or city, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practicable after January 1, 1990, the Secretary shall also pay to each county and city an amount equal to the average rate for each special district for which the county or city collected taxes in 1987, but whose tax rates were not included in the county or city's rates, multiplied by the value of the items described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practicable after January 1, 1991, except as provided in subsection (f), the Secretary shall pay to each county and city the amount it received under this section the preceding year plus an amount equal to the county or city average rate multiplied by the value of the items described in subdivision (v) of subsection (a) contained in the list submitted by the county or city, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. Thereafter, except as provided in subsection (f), as soon as practicable after January 1 of each year, the Secretary shall distribute to each county and city the amount it received under this section the preceding year.

Of the funds received by each county and city pursuant to this subsection in 1990, the portion that was received because the county or city was collecting taxes for a special district (either because the district's tax rate was included in the city or county's rate or because the Secretary paid the county or city the product of the district's average rate and the value of the inventories and other items in the district) shall be distributed among the districts in the county or city as soon as practicable after the city or county receives the funds. The county or city shall distribute to each special district in the county or city the amount it distributed to the district in 1989 plus an amount equal to the average rate for the district multiplied by the value of the items, other than inventory, described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

Each year thereafter, as soon as practicable after receiving funds under this subsection, every county and city shall distribute among the special districts for which the county or city collects tax an amount equal to the amount it distributed among such districts the previous year. The Local Government Commission may adopt rules for the resolution of disputes and correction of errors in the distribution among special districts provided in this subsection. In addition, the Local Government Commission may adopt rules for the reallocation of funds when a special district is dissolved, merged, or consolidated, or when a special district ceases to levy tax, either temporarily or permanently.

(c) Use. -- Funds received by a county, city, or special district under this section may be used for any lawful purpose.

(d) 'City' Defined. -- As used in this section, the term 'city' has the same meaning as in G.S. 153A-1(1).

(e) Source of Funds. -- To pay for the distribution required by this section and the cost to the Department of Revenue of making the distribution, the Secretary of Revenue shall draw from the Local Government Tax Reimbursement Reserve an amount equal to the amount distributed and the cost of making the distribution.

(f) Correction of Errors. -- If the Secretary discovers that the amount or value of any inventories or other items listed by a county or city pursuant to subsection (a) of this section was overstated or understated, the Secretary shall adjust the amount to be distributed under subsection (b) as follows. For the distribution to be made in the year following discovery of the overstatement or understatement, the Secretary shall distribute to the county or city the amount it would have received under subsection (b) in 1990 if it had not overstated or understated the amount or value of any inventories or other items, plus the total amount it failed to receive in 1989 and subsequent years due to understatement of the amount or value of the inventories or other items, or minus the total amount it received in 1989 and subsequent years due to overstatement of the amount or value of the inventories or other items. Thereafter, each year the Secretary shall distribute to the county or city the amount it would have received under subsection (b) in 1990 if it had not overstated or understated the amount or value of any inventories or other items."

(c) A city affected by the amendment to G.S. 105-275.1 provided in this section shall submit to the Secretary of Revenue a list of the manufacturers' inventories in the annexed area as soon as practicable.

(d) This section is effective upon ratification.

PART X.-----DEPARTMENT OF SECRETARY OF STATE

Requested by: Senator Martin of Guilford, Representative Easterling

-----REPEAL OF STATEWIDE VOTER FILE

Sec. 30. G.S. 163-66.1 is repealed.

Requested by: Senator Martin of Guilford, Representative Easterling
-----REDUCE INVENTORY OF SECRETARY OF STATE OF CERTAIN PUBLICATIONS

Sec. 31. Effective upon ratification of this act, the Publications Division of the Department of the Secretary of State may reduce inventories of the Journals of the North Carolina House of Representatives, the Journals of the State Senate, the Session Laws of North Carolina, and the North Carolina Manual as provided by this section. All such publications issued prior to 1987-88 may be made available at cost of postage only for a 60-day period commencing on the date of ratification of this act. After 60 days any such inventory exceeding 50 copies of each journal, 150 copies of each Session Laws, and 50 copies of each manual, shall be recycled or destroyed.

Requested by: Representatives Michaux, Easterling
-----DELAY REQUIREMENT OF CORPORATE ANNUAL REPORT UNDER NEW BUSINESS CORPORATION ACT

Sec. 32. (a) Section 3 of Chapter 265 of the 1989 Session Laws reads as rewritten:

"Sec. 3. This act shall become effective July 1, 1990, except that G.S. 55-16-22 shall become effective January 1, 1991."

(b) This section is effective June 30, 1990.

PART XI.----- DEPARTMENT OF INSURANCE

Requested by: Senator Plyler, Representative Tart
-----RESCUE UNIT FUND CHANGES

Sec. 33. (a) G.S. 58-87-5 reads as rewritten:

"**§ 58-87-5. Volunteer Rescue/EMS Fund.**

(a) There is created in the Department of Insurance the Volunteer Rescue/EMS Fund to provide matching grants to volunteer rescue units providing rescue only or rescue and emergency medical services to purchase equipment and make capital improvements. An eligible rescue or rescue/EMS unit may apply to the Department of Insurance for a grant under this section. The application form and criteria for grants shall be established by the Department. The Office of Emergency Medical Services in the Department of Human Resources shall provide the Department with an advisory priority listing of EMS equipment eligible for funding. The State Treasurer shall invest the Fund's assets according to law, and the earnings shall remain in the Fund. Beginning December 15, 1989, and on each December 15 thereafter, the Department shall make grants to eligible rescue or rescue/EMS units subject to the following limitations:

(1) The size of a grant may not exceed fifteen thousand dollars ($15,000);
(2) The applicant shall match the grant on a dollar-for-dollar basis with non-State funds;
(3) The grant may be used only for equipment purchases or capital expenditures; and
(4) An applicant may receive no more than one grant per fiscal year.

In awarding grants under this section, the Department shall to the extent possible select applicants from all parts of the State based upon need. Up to two percent (2%) of the Fund may be used for additional staff and resources to administer the Fund in each fiscal year. In addition, notwithstanding G.S. 58-78-20, up to four percent (4%) of the Fund may be used for additional staff and resources for the North Carolina Fire and Rescue Commission.

(b) A rescue or rescue/EMS unit is eligible for a grant under this section if:

~~(1) It serves a response area of 10,000 or fewer residents or a response area that consists of an entire county;~~

(2) It is all volunteer, except that the rescue or rescue/EMS unit may have paid members, not to exceed two positions, either full-time or part-time; and

(3) It has been recognized by the Department as an organization that provides rescue ~~only~~ or rescue and emergency medical services; and

(4) It satisfies the eligibility criteria established by the Department under subsection (a) of this section.

(c) For the purpose of this section and Article 88 of this Chapter, 'rescue' means the removal of individuals facing external, nonmedical, and nonpatient related peril to areas of relative safety. A 'rescue unit' or 'rescue squad' means a group of individuals who are not necessarily trained in emergency medical services, fire fighting, or law enforcement, but who expose themselves to an external, nonmedical, and nonpatient related peril to effect the removal of individuals facing the same type of peril to areas of relative safety. The unit or squad must comply with existing State statutes and with eligibility criteria established by the North Carolina Association of Rescue and Emergency Medical Services, Inc."

(b) G.S. 20-183.7(c) reads as rewritten:

"(c) Fees collected for inspection certificates ~~shall be paid to the Division of Motor Vehicles in accordance with its regulations and shall be periodically transferred as follows:~~ are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Environmental Management of the Department of Environment, Health, and Natural Resources:

~~(1) After making the transfer provided in subdivision (3) of this subsection, seventy-five cents (75 ¢) of the fee for the valid inspection certificate collected pursuant to subsection (a) shall be transferred to the Highway Fund, and the remaining moneys shall be transferred to the Department of Insurance for the Volunteer Rescue/EMS Fund created in G.S. 58-87-5.~~

~~(2) After making the transfer provided in subdivision (3) of this subsection, the fee collected pursuant to subsection (a1) shall be transferred as follows: the first thirty-five cents (35 ¢) to the Division of Environmental Management; the next twenty cents (20 2") to the Department of Insurance for the Volunteer Rescue/EMS Fund created in G.S. 58-87-5; and any excess up to one dollar and eighty-five cents ($1.85) to the Highway Fund.~~

~~(3) Five cents (5 ¢) of the fee for the valid inspection certificate collected pursuant to subsections (a) and (a1) shall be transferred each quarter of the year to the North Carolina Commissioner of Insurance, for the purpose of funding the Rescue Squad Workers' Relief Fund under Article 88 of General Statute Chapter 58.~~

Fund or Agency	Fee Imposed Under (a)	Fee Imposed Under (a1)
Highway Fund	.75	1.80
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.07	.07
Division of Environmental Management	.00	.35."

(c) G.S. 58-88-5 reads as rewritten:

"**§ 58-88-5. Rescue Squad Workers' Relief Fund; trustees; disbursement of funds.**

(a) The ~~money paid into the hands of the Commissioner of Insurance pursuant to G.S. 20-183.7(c)(3) shall be known and remain as the~~ "Rescue Squad Workers' Relief ~~Fund", and~~ Fund" is created. It consists of the revenue credited to the Fund under G.S. 20-183.7(c) and shall be used for the purposes set forth in this Article.

(b) The Executive Committee of the Association shall be the Board of Trustees of the Fund. The Board shall consist of the Commander, Vice-Commander, Secretary-Treasurer, and two ~~immediate~~ past Commanders of the Association. The Commander shall be the Chairman of the Board. The Commander, Vice-Commander,

and Secretary-Treasurer shall appoint the two past Commanders of the Association, who shall serve at the pleasure of the appointing officers.

(c) The Commissioner of Insurance ~~shall have~~ has exclusive control of the ~~funds realized under the provisions of this Article and G.S. 20-183.7(c),~~ Fund and shall disburse ~~the funds~~ revenue in the Fund to the Association only for the following purposes:

(1) To safeguard any rescue or EMS worker in active service from financial loss, occasioned by sickness contracted or injury received while in the performance of his or her duties as a rescue or EMS worker.

(2) To provide a reasonable support for those persons actually dependent upon the services of any rescue or EMS worker who may lose his or her life in the service of his or her town, county, city, or the State, either by accident or from disease contracted or injury received by reason of such service. The amount is to be determined according to the earning capacity of the deceased.

(3) To award scholarships to children of members, deceased members or retired members in good standing, for the purpose of attending a two year or four year college or university, and for the purpose of attending a two year course of study at a community college or an accredited trade or technical school, any of which is located in the State of North Carolina. Continuation of the payment of educational benefits for children of active members shall be conditioned on the continuance of active membership in the rescue ~~of~~ or EMS service by the parent or parents.

(4) To pay death benefits to those persons who were actually dependent upon any member killed in the line of duty.

(5) Notwithstanding any other provision of law, no expenditures shall be made pursuant to subdivisions (1), (2), (3), and (4) of this subsection unless the Board has certified that such expenditures will not render the Fund actuarially unsound for the purpose of providing the benefits set forth in subdivisions (1), (2), (3), and (4). If, for any reason, funds made available for subdivisions (1), (2), (3), and (4) are insufficient to pay in full any benefit, the benefits pursuant to subdivisions (1), (2), (3), and (4) shall be reduced pro rata for as long as the amount of insufficient funds exists. No claims shall accrue with respect to any amount by which a benefit under subdivisions (1), (2), (3), and (4) has been reduced."

(d) G.S. 58-88-30 reads as rewritten:

"**§ 58-88-30. Administration costs.**

The Association shall withhold ~~three percent (3%)~~ eight percent (8%) from the money received pursuant to G.S. 20-183.7(c) for the administration of the Fund. The Commissioner of Insurance shall withhold two percent (2%) from the money received pursuant to G.S. 20-183.7(c) for the administration of the Fund."

(e) This act shall become effective July 15, 1990. Subsection (b) applies to fees collected on or after the effective date.

PART XII.-----EMPLOYEE SALARIES AND BENEFITS

Requested by: Representatives Colton, Easterling

-----SALARY RELATED CONTRIBUTIONS/EMPLOYERS

Sec. 34. Section 42(c) of Chapter 752 of the 1989 Session Laws reads as rewritten:

"(c) The State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 1990-91 fiscal year are (i) eleven and seventy-four hundredths percent (11.74%) - Teachers and State Employees; (ii) sixteen and seventy-four hundredths percent (16.74%) - State Law Enforcement Officers; (iii) ~~eight and twenty-seven hundredths percent (8.27%)~~ eight and thirty-seven hundredths percent (8.37%) - University Employees' Optional Retirement Program;

(iv) thirty-one and thirty-six hundredths percent (31.36%) - Consolidated Judicial Retirement System; and (v) ~~thirty-eight and eighty-five hundredths percent (38.85%)~~ forty and twenty-five hundredths percent (40.25%) - Legislative Retirement System. Each of the foregoing contribution rates includes one and sixty-five hundredths percent (1.65%) for hospital and medical benefits. The rate for State Law Enforcement Officers includes five percent (5%) for the Supplemental Retirement Income Plan. The rates for Teachers and State Employees, State Law Enforcement Officers, and for the University Employees' Optional Retirement Program includes fifty-two hundredths percent (0.52%) for the Disability Income Plan."

Requested by: Representative Beard

-----PROVIDE RECIPROCITY OF CREDITABLE SERVICE TO DETERMINE ELIGIBILITY FOR BENEFITS AMONG THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM

Sec. 35. (a) Article 1A of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-4.12A. Reciprocity of creditable service with other State-administered retirement systems.

(a) Only for the purpose of determining eligibility for benefits accruing under this Article, creditable service standing to the credit of a member of the Consolidated Judicial Retirement System, Teachers' and State Employees' Retirement System, or Local Governmental Employees' Retirement System shall be added to the creditable service standing to the credit of a member of this System; provided, that in the event a person is a retired member of any of the foregoing retirement systems, such creditable service standing to the credit of the retired member prior to retirement shall be likewise counted. In no instance shall service credits maintained in the aforementioned retirement systems be added to the creditable service in this System for application of this System's benefit accrual rate in computing a service retirement benefit unless specifically authorized by this Article.

(b) A person who was a former member of this System and who has forfeited his creditable service in this System by receiving a return of contributions and who has creditable service in the Consolidated Judicial Retirement System, Teachers' and State Employees' Retirement System, or the Local Governmental Employees' Retirement System may count such creditable service for the purpose of restoring the creditable service forfeited in this System under the terms and conditions as set forth in this Article and reestablish membership in this System.

(c) Creditable service under this section shall not be counted twice for the same period of time whether earned as a member, purchased, or granted as prior service credits."

(b) Article 3 of Chapter 128 of the General Statutes is amended by adding a new section to read:

"§ 128-26A. Reciprocity of creditable service with other State-administered retirement systems.

(a) Only for the purpose of determining eligibility for benefits accruing under this Article, creditable service standing to the credit of a member of the Legislative Retirement System, Consolidated Judicial Retirement System, or the Teachers' and State Employees' Retirement System shall be added to the creditable service standing to the credit of a member of this System; provided, that in the event a person is a retired member of any of the foregoing retirement systems, such creditable service standing to the credit of the retired member prior to retirement shall be likewise counted. In no instance shall service credits maintained in the aforementioned retirement systems be added to the creditable service in this System for application of this System's benefit accrual rate in computing a service retirement benefit unless specifically authorized by this Article.

(b) A person who was a former member of this System and who has forfeited his creditable service in this System by receiving a return of contributions and who has creditable service in the Legislative Retirement System, Consolidated Judicial Retirement System, or the Teachers' and State Employees' Retirement System may count such creditable service for the purpose of restoring the creditable service forfeited in this System under the terms and conditions as set forth in this Article and reestablish membership in this System.

(c) Creditable service under this section shall not be counted twice for the same period of time whether earned as a member, purchased, or granted as prior service credits."

(c) Article 1 of Chapter 135 of the General Statutes is amended by adding a new section to read:

"§ 135-4A. Reciprocity of creditable service with other State-administered retirement systems.

(a) Only for the purpose of determining eligibility for benefits accruing under this Article, creditable service standing to the credit of a member of the Legislative Retirement System, Consolidated Judicial Retirement System, or the Local Governmental Employees' Retirement System shall be added to the creditable service standing to the credit of a member of this System; provided, that in the event a person is a retired member of any of the foregoing retirement systems, such creditable service standing to the credit of the retired member prior to retirement shall be likewise counted. In no instance shall service credits maintained in the aforementioned retirement systems be added to the creditable service in this System for application of this System's benefit accrual rate in computing a service retirement benefit unless specifically authorized by this Article.

(b) A person who was a former member of this System and who has forfeited his creditable service in this System by receiving a return of contributions and who has creditable service in the Legislative Retirement System, Consolidated Judicial Retirement System, or the Local Governmental Employees' Retirement System may count such creditable service for the purpose of restoring the creditable service forfeited in this System under the terms and conditions as set forth in this Article and reestablish membership in this System.

(c) Creditable service under this section shall not be counted twice for the same period of time whether earned as a member, purchased, or granted as prior service credits."

(d) Article 4 of Chapter 135 of the General Statutes is amended by adding a new section to read:

"§ 135-56A. Reciprocity of creditable service with other State-administered retirement systems.

(a) Only for the purpose of determining eligibility for benefits accruing under this Article, creditable service standing to the credit of a member of the Legislative Retirement System, Teachers' and State Employees' Retirement System, or the Local Governmental Employees' Retirement System shall be added to the creditable service standing to the credit of a member of this System; provided, that in the event a person is a retired member of any of the foregoing retirement systems, such creditable service standing to the credit of the retired member prior to retirement shall be likewise counted. In no instance shall service credits maintained in the aforementioned retirement systems be added to the creditable service in this System for application of this System's benefit accrual rate in computing a service retirement benefit unless specifically authorized by this Article.

(b) A person who was a former member of this System and who has forfeited his creditable service in this System by receiving a return of contributions and who has creditable service in the Legislative Retirement System, Teachers' and State Employees' Retirement System, or the Local Government Employees' Retirement System may count such creditable service for the purpose of restoring the creditable service forfeited

in this System under the terms and conditions as set forth in this Article and reestablish membership in this System.

(c) Creditable service under this section shall not be counted twice for the same period of time whether earned as a member, purchased, or granted as prior service credits."

(e) This section shall become effective October 1, 1990.

Requested by: Representative Barnes

-----STATE EMPLOYEES/SEVERANCE PAY CLARIFICATION

Sec. 36. (a) G.S. 143-27.2 reads as rewritten:

"§ 143-27.2. Discontinued service retirement allowance and severance wages for certain State employees.

When the Director of the Budget determines that the closing of a State institution or a reduction in force will accomplish economies in the State Budget, he shall pay either a discontinued service retirement allowance or severance wages to any affected State employee, provided reemployment is not available. As used in this section, 'economies in the State Budget' means economies resulting from elimination of a job and its responsibilities or from a lack of funds to support the job. In determining whether to pay a discontinued service retirement allowance or severance wages, the Director of the Budget shall consider the recommendation of the department head involved and any recommendation of the State Personnel Director. Severance wages shall not be paid to an employee who chooses a discontinued service retirement. Severance wages shall not be subject to employer or employee retirement contributions. Severance wages shall be paid according to the policies adopted by the State Personnel Commission.

Notwithstanding any other provisions of the State's retirement laws, any employee of the State who is a member of the Teachers' and State Employees' Retirement System or the Law-Enforcement Officers' Retirement System and who has his job involuntarily terminated as a result of economies in the State Budget may be entitled to a discontinued service retirement allowance, subject to the approval of the employing agency and the availability of agency funds. An unreduced discontinued service retirement allowance, not otherwise allowed, may be approved for employees with 20 or more years of creditable retirement service who are at least 55 years of age; or a discontinued service retirement allowance, not otherwise allowed, may be approved for employees with 20 or more years of creditable retirement service who are at least 50 years of age, reduced by one-fourth of one percent (1/4 of 1%) for each month that retirement precedes his fifty-fifth birthday. In cases where a discontinued service retirement allowance is approved, the employing agency shall make a lump sum payment to the Administrator of the State Retirement Systems equal to the actuarial present value of the additional liabilities imposed upon the System, to be determined by the System's consulting actuary, as a result of the discontinued service retirement, plus an administrative fee to be determined by the Administrator."

(b) This section shall not affect litigation pending as of the date of ratification of this act.

Requested by: Representative Barnes

-----ACCELERATED PAY PLAN FOR LOWEST-PAID STATE EMPLOYEES

Sec. 37. (a) The State Personnel Commission shall develop an accelerated pay plan for those State employees in the lowest pay grades. This accelerated pay plan shall be designed to take into consideration the labor market and economic indicators and to advance and retain a fully competent work force. In developing and implementing this pay plan, the State Personnel Commission shall:

(1) Identify which pay grades are to be subject to this accelerated pay plan;

(2) Adopt policies and rules to implement this plan;

(3) Review the plan annually; and

(4) Amend the plan as necessary, based on the labor market and economic indicators.

(b) Upward movement within the accelerated pay plan shall be based on the job performance of an employee meeting or exceeding performance requirements as determined by a specifically tailored performance appraisal system for employees within those pay grades subject to the accelerated pay plan.

(c) Employees who participate in the accelerated pay plan may not receive an additional performance increase pursuant to G.S. 126-7.

(d) To the extent that sufficient funds are available in the amount of up to $750,000 in the 1990-91 Salary Increase Fund, the Director of the Budget shall transfer those funds to the Salary Adjustment Fund to be used for the Accelerated Pay Plan for Lowest-Paid State Employees.

PART XIII.-----DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine

-----USE OF LAPSED SALARIES

Sec. 38. (a) The Office of State Budget may authorize the Department of Environment, Health, and Natural Resources to use the sum of $110,615 in departmental lapsed salaries for the Air Quality Section, Division of Environmental Management, to correct an error in the budgeting of federal receipts for fiscal year 1990-91.

(b) The Office of State Budget may authorize the Department of Environment, Health, and Natural Resources to use the sum of $212,178 in departmental lapsed-salaries for the Water Quality Section, Division of Environmental Management, to correct an error in the budgeting of federal receipts for fiscal year 1990-91.

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine

-----BUXTON WOODS PURCHASE FUNDS

Sec. 39. Funds deposited pursuant to G.S. 20-81.3(c) in the Recreation and Natural Heritage Trust Fund may be used during the 1990-91 fiscal year to match federal funds for the purchase of land at Buxton Woods.

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine

-----WASTE STREAM ANALYSIS

Sec. 40. Section 34 of Chapter 754 of the 1989 Session Laws, as rewritten by Section 28 of Chapter 799 of the 1989 Session Laws, reads as rewritten:

"Sec. 34. Of the funds allocated from the Special Reserve for Oil Overcharge Funds to the North Carolina Housing Trust Fund in Section 2 of Chapter 841 of the 1987 Session Laws, the sum of $500,000 shall be reallocated to the Department of ~~Commerce~~ Economic and Community Development for the 1989-90 fiscal year to be used for a study including a waste stream analysis and the development of a State and local government recycling and waste management plan by the Department of Environment, Health, and Natural Resources. ~~These funds shall be used to conduct 'waste stream' research in North Carolina counties.~~ This ~~research~~ study shall be contracted out by the Secretary of the Department of Environment, Health, and Natural Resources ~~on a competitive bid basis to an organization or firm that responds successfully to a 'request for proposals' (RFP) issued at the direction and approval of the Secretary of the Department of Environment, Health, and Natural Resources. The RFP shall be issued by the Secretary and awarded~~ no later than ~~December 31, 1989.~~ November 15, 1990. ~~The RFP shall contain provisions for quarterly progress reports to be issued by the contractor to the Secretary, who shall also make provisions for distributing reports to private entities participating in the matching grants provision. Reports to the appropriate committees of the General Assembly shall be determined by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.~~

~~These funds shall be matched on a one-to-one basis by private entities by April 30, 1990. The Secretary shall appoint a special advisory panel, composed of~~

~~representatives from local units of government and organizations participating in the matching grants program, to comment on contractors' responses to the RFP. Panel members from local units of government shall be appointed so as to ensure that all regions of the State are equally represented. The Secretary, however, shall have final responsibility for awarding the contract.~~

~~At a minimum, the waste stream analysis research study shall include scientific and statistically significant sampling of solid waste material in each of North Carolina's 120 landfills; or, the study shall contain sufficient statistically reliable data to project, at an eighty percent (80%) confidence level, the content and volume of all existing North Carolina landfills or other properly permitted solid waste disposal facilities. Based on these specific findings, additional written outcomes of this waste stream analysis shall be the following:~~

~~(1) Recommended solid waste disposal policies, appropriate for regions or local units of government, that are considered practicable, as well as 'state-of-the-art'; that evaluate the financial impact and energy avoidance of recycling and alternative methods of solid waste disposal, including incineration and waste-to-energy options; that are consistent with contractor's findings; that contain specific procedures for monitoring market demand for recyclable goods; that identify potential domestic and foreign markets; that propose collection, storage, and transportation strategies, for regions, and for multi-county and single-county collection, recycling, treatment, and disposal; and that identify all relevant operating costs, capital costs, and revenues derived through the sale of recycled waste stream components and energy, related to their implementation;~~

~~(2) A recommended solid waste management plan, based upon the policies recommended in subdivision (1) of this section, for the State of North Carolina, or regions therein, including policies the State may consider to provide incentives for recycling facilities to locate in North Carolina; that suggest future strategies the State might consider to ensure that its investments produce measurable reductions in solid waste, offer economic alternatives to traditional landfills, and provide increased technical assistance to regions, counties, and cities;~~

~~(3) The plan, as recommended, shall contain a year-by-year determination of all relevant operating and capital costs, and propose recommended appropriations and/or financing mechanisms needed for the number of years required for its full implementation;~~

~~(4) Finally, the plan shall contain a specific evaluation component which shall describe criteria for measuring progress and results against the plan, and which shall be understood clearly by the general public.~~

The Secretary of the Department of Environment, Health, and Natural Resources shall solicit matching funds from non-State entities.

The waste stream analysis shall include a representative sample of waste disposal sites that considers such regional and county specific variables as topography, population, agriculture, industry, and economic base. The study shall be designed so that a statewide waste stream can be statistically defined. The analysis shall identify components and quantities of the materials in the State's waste stream and the recyclability of these components.

Based on the findings of the waste stream analysis, the study shall develop a State and local government recycling and waste management plan as set forth in G.S. 130A-309.07 and G.S. 130A-309.09. The plan shall also address the following:

(1) Strategies for recycling or managing each of the waste streams identified;

(2) Development of recycling plans, which may include the marketing of guaranteed waste streams, to meet the State's goal of recycling twenty-five percent (25%) of the State's waste stream by 1993; and

(3) Development of county or regional waste stream profiles that shall be used for the development of model recycling plans for cities, towns, counties, and regions of the State.

The North Carolina Housing Finance Agency shall transfer the funds reallocated by this subsection to the Department of Economic and Community Development no later than September 1, 1989.

~~The Department of Commerce shall submit comprehensive annual reports to the General Assembly by May 5, 1990, and January 31, 1991, which detail the use of all funds received in the Stripper Well Litigation that were used or expended by State agencies. Any State department or agency that has received oil overcharge funds shall provide all information requested by the Department of Commerce for the purpose of preparing this report.~~ The Department of Environment, Health, and Natural Resources shall provide all information requested by the Department of Economic and Community Development for the report the Department of Economic and Community Development is required to make pursuant to Section 150(c) of Chapter 752 of the 1989 Session Laws. A final report of the waste stream analysis and the State and local government recycling and waste management plan shall be issued by the contractor to the Secretary of the Department of Environment, Health, and Natural Resources and the General Assembly ~~at the convening of the Regular Session 1991.~~ no later than May 1, 1991."

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine

-----LIABILITY INSURANCE FOR HEALTH CARE EMPLOYEES

Sec. 41. Section 129 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 129. The Secretary of the Department of Human ~~Resources and~~ Resources, the Secretary of the Department of Environment, Health, and Natural Resources, and the Secretary of the Department of Correction may provide medical liability coverage not to exceed $1,000,000 on behalf of employees of the Departments licensed to practice medicine or dentistry. This coverage may include commercial insurance or self-insurance and shall cover these employees for their acts or omissions only while they are engaged in providing medical and dental services pursuant to their State employment.

The coverage provided pursuant to this section shall not require any additional appropriations and shall not apply to any individual providing contractual service to the Department of Human ~~Resources~~ Resources, the Department of Environment, Health, and Natural Resources, or the Department of Correction."

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine

-----EPIDEMIOLOGY LINE ITEM TRANSFERS

Sec. 42. Of the funds appropriated to the Department of Environment, Health, and Natural Resources, Communicable Disease Control Section, amounts may be transferred from the Immunization Branch pharmaceutical line item for the 1990-91 fiscal year as follows: $188,389 to the Immunization Branch salary and fringe benefits line item; $37,100 to the Immunization Branch supplies and printing line item; and $39,891 to the Immunization Branch travel line item.

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine

-----STATEWIDE MEDICAL EXAMINER FUNDS

Sec. 43. Section 138 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 138. The ~~State Health Director~~ Department of Environment, Health, and Natural Resources may budget for the ~~1989-90~~ 1990-91 fiscal year up to ~~$450,000~~ $250,000 of excess federal indirect cost receipts to ~~complete, staff,~~ complete and equip the Statewide Medical Examiner System."

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine
-----NON-MEDICAID REIMBURSEMENT

Sec. 44. Section 105 of Chapter 500 of the 1989 Session Laws reads as rewritten:

"Sec. 105. Providers of medical services under the various State programs other than Medicaid offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program.

The Department of Human Resources may reimburse hospitals at the full prospective per diem rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's per diem rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non-Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

Maximum net family annual income eligibility standards for services in these programs with the exception of Migrant Health, School Health, AIDS Drug Reimbursement Program, and Home Health shall be as follows:

Family Size	Kidney	Medical Eye Care Adults	Rehabilitation	All Other
1	$6,400	$4,860	$ 8,364	$4,200
2	8,000	5,940	10,944	5,300
3	9,600	6,204	13,500	6,400
4	11,000	7,284	16,092	7,500
5	12,000	7,824	18,648	7,900
6	12,800	8,220	21,228	8,300
7	13,600	8,772	21,708	8,800
8	14,400	9,312	22,220	9,300

The eligibility level each fiscal year for outpatient services for all clients and for inpatient services for children under the age of five in the Children's Special Health Services Program shall be one hundred percent (100%) of the federal poverty guidelines as revised annually by the United States Department of Health and Human Services, in effect on July 1, of each fiscal year. The eligibility level for children in the Medical Eye Care Program in the Division of Services for the Blind shall be the same as that for children in the Children's Special Health Services Program."

Requested by: Senator Martin of Pitt, Representative DeVane
-----LUMBER RIVER PARK RANGER

Sec. 45. Section 155 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 155. From the funds appropriated ~~in Section 3 of this act~~ to the Department of ~~Natural Resources and Community Development,~~ Environment, Health, and Natural Resources, Division of Parks and Recreation for ~~the 1989-90 fiscal year and~~ the 1990-91 fiscal year for State Park Staff, the Department shall establish and fund ~~two~~ one Park Ranger ~~positions,~~ position, including support and equipment costs, to be allocated to the Lumber River State Park."

Requested by: Senator Plyler
-----UNION FIRE PLOW OPERATOR/COUNTY RANGERS

Sec. 46. (a) The Department of Environment, Health, and Natural Resources shall continue to station in Union County the fire plow that was purchased with Federal Emergency Management Administration (FEMA) funds. While stationed in Union County, this fire suppression unit shall serve the areas of the Mt. Holly District.

(b) The Department of Environment, Health, and Natural Resources shall use available funds, including lapsed salaries and other sources, not to exceed the sum of $83,298 for the 1990-91 fiscal year for the following positions:

(1) The sum of $41,649 for a County Ranger and Assistant Ranger for Union County, to be matched by the sum of $27,766 in county funds; and

(2) The sum of $41,649 for a County Ranger and Assistant Ranger for Mecklenburg County, to be matched by the sum of $27,766 in county funds.

(c) The Department of Environment, Health, and Natural Resources shall use available funds, including lapsed salaries and other sources, not to exceed the sum of $33,523 for the 1990-91 fiscal year for an operator and crew for the fire plow that is stationed in Union County pursuant to subsection (a) of this section.

(d) Subsection (c) of this section shall become effective October 1, 1990.

Requested by: Senators Martin of Pitt, Tally, Representative Beard
-----WILDLIFE COMMISSION FUNDS

Sec. 47. (a) The Wildlife Resources Commission may use up to $235,000 in funds available to the Commission for the 1990-91 fiscal year for construction of a boating access area at Cedar Island in Carteret County.

(b) The Wildlife Resources Commission may use up to $45,000 in funds available to the Commission for the 1990-91 fiscal year for construction of a boating access area at Ocracoke Island in Hyde County.

(c) Section 38 of Chapter 754 of the 1989 Session Laws reads as rewritten:

"Sec. 38. The Wildlife Resources Commission may use no more than ~~$250,000~~ $315,297 for the ~~1989-90~~ 1990-91 fiscal year to repair the dam at the Lake Rim Fish Hatchery in Cumberland County."

(d) Section 31 of Chapter 1100 of the 1987 Session Laws reads as rewritten:

"Sec. 31. The Wildlife Resources Commission may use funds available to it for the ~~1988-89~~ 1990-91 fiscal year for the construction of a ~~laboratory complex~~ visitor center at Pisgah Forest Fish Hatchery. The cost of the construction shall not exceed one hundred fifty-six thousand dollars ($156,000). The Wildlife Resources Commission shall report to the Joint Legislative Commission on Governmental Operations on its plans before spending any funds on this project."

Requested by: Senator Barker, Representative Redwine
-----WILDLIFE COMMITTEE EXPENSES

Sec. 48. G.S. 113-335 reads as rewritten:

"**§ 113-335. North Carolina Nongame Wildlife Advisory Committee.**

The North Carolina Nongame Wildlife Advisory Committee is created subject to constitution, organization, and function as determined appropriate and advisable by resolution of the Wildlife Resources Commission. The Advisory Committee is to be comprised of knowledgeable and representative citizens of North Carolina whose responsibility shall be to advise the Commission on matters related to conservation of nongame wildlife including creation of protected animal lists and development of conservation programs for endangered, threatened, and special concern species.

Members of the Advisory Committee shall receive necessary travel and subsistence expenses while on official business of the Committee in accordance with G.S. 138-5 and G.S. 138-6, to be paid from the Nongame Account of the Wildlife Resources Fund."

Requested by: Senator Martin of Pitt, Representatives Redwine, B. Ethridge
-----REDUCE INFANT MORTALITY

Sec. 49. (a) Of the funds appropriated from the General Fund to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the sum of $300,000 for the 1990-91 fiscal year shall be used to expand the Rural Obstetrical Care Incentive Program established under Section 39.3 of Chapter 1100, 1987 Session Laws, Regular Session 1988. The Rural Obstetrical Care Incentive Program will be used to assist with the cost of malpractice insurance for family physicians, obstetricians, and certified nurse midwives who agree to provide prenatal and obstetrical services in medically underserved areas of the State. Physicians and certified nurse midwives covered under the Rural Obstetrical Care Incentive Program are required to participate in an obstetrical care coverage plan developed by their local

health department or community, migrant, or rural health center, and must agree to provide services to pregnant women regardless of their ability to pay for the services.

(b) The Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, shall report to the Joint Legislative Commission on Governmental Operations in December 1990 about the feasibility of setting up a nurse midwifery education program in North Carolina.

(c) The Department of Environment, Health, and Natural Resources and the Department of Human Resources shall conduct a needs assessment in each county to determine the availability of prenatal care and necessary supportive services to pregnant women. The assessment shall include the availability of Women, Infants, and Children nutritional supplements, and maternity care coordination. The assessment shall also determine the extent to which the lack of such services impacts on low birthweight and infant mortality in the county. The Departments shall report their findings to the Joint Legislative Commission on Governmental Operations on March 15, 1991.

Requested by: Senator Martin of Pitt, Representatives Diamont, Redwine
-----NURSE MIDWIVES FOR UNDERSERVED COUNTIES

Sec. 50. Of the funds appropriated to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the sum of $400,000 for the 1990-91 fiscal year shall be used to fund four teams of certified nurse midwives in critically underserved counties throughout the State.

Requested by: Senator Martin of Pitt,
Representatives B. Ethridge, Redwine, DeVane, Isenhower
-----OFFICE OF WASTE REDUCTION FUNDS

Sec. 51. The Department of Environment, Health, and Natural Resources may transfer up to $165,000 of the funds appropriated for the 1990-91 fiscal year for research and education grants for the Pollution Prevention Pays Program to the Office of Waste Reduction to provide technical assistance to local governments and industries for waste reduction.

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine
-----EHNR PERMITTING FUNDS

Sec. 52. The Department of Environment, Health, and Natural Resources may use the sum of $447,240 in available funds, including lapsed salaries and other sources, for the 1990-91 fiscal year as follows:

(1) The sum of $54,730 for one position and support costs for hazardous waste management facility permitting by the Environmental Management Division;
(2) The sum of $50,796 for one position and support costs for hazardous waste facility assessment by the Environmental Management Division; and
(3) The sum of $341,714 for six positions and support costs for the permitting of low-level radioactive and hazardous waste facilities by the Division of Solid Waste Management.

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine
-----DEPARTMENTAL USE OF FEES

Sec. 53. (a) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources for the 1990-91 fiscal year the sum of $70,000 for permitting, education, and compliance activities, including establishing and supporting up to two positions in the Division of Coastal Management; provided, however, if the revenues raised from Chapter 987 of the 1989 Session Laws are less than $70,000, then the appropriation is hereby reduced accordingly.

(b) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources for the 1990-91 fiscal year the sum of $80,000 for education, erosion control plan approval, and compliance activities in the

Sedimentation Control Program, including establishing and supporting up to two positions in the Division of Land Resources; provided, however, if the revenues raised from Chapter 906 of the 1989 Session Laws are less than $80,000, then the appropriation is hereby reduced accordingly.

(c) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources for the 1990-91 fiscal year the sum of $20,000 for permitting, education, and compliance activities in the Dam Safety Program, including establishing and supporting up to one half-time position in the Division of Land Resources; provided, however, if the revenues raised from Chapter 976 of the 1989 Session Laws are less than $20,000, then the appropriation is hereby reduced accordingly.

(d) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources for the 1990-91 fiscal year the sum of $40,000 for permitting, education, and compliance activities in the Mining Program, including establishing and supporting up to one position and one half-time position in the Division of Land Resources; provided, however, if the revenues raised from Chapter 944 of the 1989 Session Laws are less than $40,000, then the appropriation is hereby reduced accordingly.

(e) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources for the 1990-91 fiscal year the sum of $72,000 for support costs in the Nuclear Emergency Planning and Response Program in the Division of Radiation Protection; provided, however, if the revenues raised from Chapter 964 of the 1989 Session Laws are less than $72,000, then the appropriation is hereby reduced accordingly.

(f) If either Senate Bill 1559, 1989 Regular Session, or House Bill 2341, 1989 Regular Session, is ratified, then there is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources, Division of Environmental Health, for the 1990-91 fiscal year the sum of $488,400 to implement the restaurant and lodging fee collection program and to establish a computerized inventory of all restaurants and lodging facilities, including establishing and supporting up to four positions for the collection program, for the inventory program, or for both programs; and to increase Environmental Health Aid to Counties; provided, however, if the revenues raised from Senate Bill 1559, 1989 Regular Session, or House Bill 2341, 1989 Regular Session, as ratified, are less than $488,400, then the appropriation is hereby reduced accordingly.

Requested by: Senator Hunt, Representative Michaux
-----SICKLE CELL FUNDS/NOT SUBJECT TO BUDGET FLEXIBILITY

Sec. 54. The budget flexibility authorized in Section 7 of this act does not apply to funds appropriated to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, for the 1990-91 fiscal year for sickle cell center contracts.

PART XIV.-----DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine
-----ECONOMIC DEVELOPMENT PUBLICATIONS

Sec. 55. G.S. 143B-435 reads as rewritten:

"**§ 143B-435. Publications.**

The Department of Economic and Community Development may also cause to be prepared for publication, from time to time, reports and statements, with illustrations, maps and other descriptions, which may adequately set forth the natural and material resources of the State and its industrial and commercial developments, with a view to furnishing information to educate the people with reference to the material advantages of the State, to encourage and foster existing industries, and to present inducements

for investment in new enterprises. Such information shall be published and distributed as the Department of Economic and Community Development may ~~direct, at the expense of the State as other public documents.~~ direct. The costs of publishing and distributing such information shall be paid from:

(1) State funds as other public documents; or

(2) Private funds received:

a. As donations, or

b. From the sale of appropriate advertising in such published information."

Requested by: Senator Martin of Pitt, Representative DeVane

-----CELEBRATION FOUNDATION, INC.

Sec. 56. Section 30 of Chapter 799 of the 1989 Session Laws reads as rewritten:

"Sec. 30. The Department of ~~Commerce~~ Economic and Community Development may continue for the 1989-91 biennium the development and implementation of North Carolina Celebration ~~'91 activities,~~ 1991 Foundation, Inc. activities, a series of activities and events which are scheduled to occur across the State in 1991 to demonstrate local history and ~~heritage.~~ heritage, promote travel to the State, and establish a permanent privately funded foundation for programs to address persistent issues in our State including adult illiteracy, infant mortality, environmental awareness, housing, and others."

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine

-----NC MANUFACTURING DIRECTORY PROCEEDS

Sec. 57. (a) The Department of Economic and Community Development may expend for industrial promotional advertising any amount collected from the sales of the North Carolina Manufacturing Directory above the sum of $155,000 already budgeted for the 1990-91 fiscal year.

(b) Beginning October 1, 1990, the Department shall submit quarterly reports to the Chairmen of the Senate and House Appropriations Committees and to the Director of the Fiscal Research Division. These reports shall include the amount of proceeds collected from the sales of the Directory and the amount spent on advertising pursuant to the provisions of this section.

Requested by: Senator Martin of Pitt,
Representatives G. Wilson, Redwine, B. Ethridge

-----WORKER TRAINING TRUST FUND

Sec. 58. (a) Section 149 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 149. (a) There is appropriated from the Worker Training Trust Fund to the Employment Security Commission of North Carolina the sum of $1,200,000 for the 1989-90 fiscal year ~~and the sum of $1,200,000 for the 1990-91 fiscal year~~ for a Worker Readjustment Program to provide a statewide program of rapid response to plant closings. Funds appropriated by this section for the 1989-90 fiscal year but not spent or encumbered by June 30, 1990, shall be reallocated to the North Carolina Department of Economic and Community Development for the 1990-91 fiscal year for a State job training program to be administered through the Job Training Partnership Act system and aimed at the unemployed and the working poor.

(b) The Employment Security Commission shall report quarterly to the Joint Legislative Commission on Governmental ~~Operations by the first of each month prior to the expenditure of any funds appropriated by this section.~~ Operations. The report required by this subsection may be included in any other report that the Employment Security Commission is required to make to the Joint Legislative Commission on Governmental Operations.

(c) The Employment Security Commission shall use supplemental federal funds or other additional funds received by the Employment Security Commission for similar purposes before expending funds appropriated by this section."

(b) Section 111 of Chapter 500 of the 1989 Session Laws reads as rewritten:

"Sec. 111. (a) There is appropriated from the Worker Training Trust Fund to the Employment Security Commission of North Carolina the sum of four million five hundred thirty-seven thousand seven hundred eight dollars ($4,537,708) for the 1989-90 fiscal year and the sum of ~~four million five hundred thirty-seven thousand seven hundred eight dollars ($4,537,708)~~ five million dollars ($5,000,000) for the 1990-91 fiscal year for the operation of local offices at the 1986-87 level of service.

(b) Notwithstanding G.S. 96-5(c), there is appropriated from the Special Employment Security Administration Fund to the Employment Security Commission of North Carolina, the sum of one million dollars ($1,000,000) for the 1989-90 fiscal year and the sum of ~~one million dollars ($1,000,000)~~ two million dollars ($2,000,000) for the 1990-91 fiscal year for administration of the Veterans Employment Program, Employment Services Program, and Unemployment Insurance Program.

(c) Beginning October 1, 1989, the Employment Security Commission shall report to the Appropriations Committee on Natural and Economic Resources and the Joint Legislative Commission on Governmental Operations ~~by the first of each month, prior to the expenditure of any funds appropriated by this section.~~ on a quarterly basis. Supplemental federal funds or other additional funds received by the Employment Security Commission for similar purposes shall be expended prior to the expenditure of funds appropriated by this section."

(c) Notwithstanding the provisions of G.S. 96-5(f), there is appropriated from the Worker Training Trust Fund to the following agencies the following sums for the 1990-91 fiscal year for the following purposes:

(1) The sum of $2,000,000, less the sum reallocated in subsection (a) of this section, to the North Carolina Department of Economic and Community Development for a State job training program to be administered through the Job Training Partnership Act system aimed at the unemployed and the working poor.

(2) The sum of $250,000 to the North Carolina Department of Public Education for local implementation grants to establish five new Tech Prep programs in the public schools. These grants shall be provided to local school units that have a plan meeting the standards of the State Board of Education and the State Board of Community Colleges.

(3) The sum of $500,000 to the North Carolina Department of Labor for customized training of the unemployed and the working poor for specific jobs needed by employers through the Department's Pre-Apprenticeship Division.

(4) The sum of $2,000,000 to the North Carolina Department of Human Resources to assist welfare recipients in gaining employment through the federally funded Job Opportunities and Basic Skills program in such a way as to gain the maximum match of federal funds for the State dollars appropriated.

(d) Beginning October 1, 1990, each of the departments receiving funds pursuant to subsection (c) of this section shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(e) Notwithstanding the provisions of G.S. 96-5(f), there is appropriated from the Worker Training Trust Fund to the Employment Security Commission for the 1990-91 fiscal year the sum of $1,459,673 for operation of local offices.

(f) Subsection (e) of this section shall become effective October 1, 1990.

Requested by: Senators Martin of Pitt, Hunt, Representatives B. Ethridge, Redwine

-----RURAL ECONOMIC DEVELOPMENT CENTER

Sec. 59. Section 110 of Chapter 500 of the 1989 Session Laws, as amended by Section 64 of Chapter 770 of the 1989 Session Laws, reads as rewritten:

"Sec. 110. (a) Of the funds appropriated to the Department of ~~Commerce in Section 5 of this act,~~ Economic and Community Development, the sum of two million

dollars ($2,000,000) for fiscal year 1989-90 and the sum of ~~two million dollars ($2,000,000)~~ one million seven hundred twenty-five thousand dollars ($1,725,000) for fiscal year 1990-91 shall be used for a grant-in-aid to the Rural Economic Development Center, Inc., for the administrative costs of the Center and for its pilot projects and research. No more than five hundred thousand dollars ($500,000) of the funds appropriated for each fiscal year may be used for the administrative costs of the Rural Economic Development Center, Inc.

(b) Beginning October 1, 1989, the Rural Economic Development Center, Inc., shall provide quarterly reports on the Center's pilot projects and research program to the Chairmen of the House Appropriations Committees on Natural and Economic Resources, the Chairman of the Senate Appropriations Committee on Natural and Economic Resources, The Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division not less than 48 hours prior to the beginning of the Commission's full meeting. These reports shall include information of the activities and accomplishments during the past fiscal year, itemized expenditures during the past fiscal year, sources of funding for the past and prospective fiscal years, and planned activities and planned expenditures for at least the next fiscal year.

(c) The Rural Economic Development Center, Inc., shall provide a report containing detailed budget, personnel, and salary information to the Office of State Budget and Management in the same manner as State departments and agencies in preparation for biennium budget requests."

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine
-----LIMIT FOR RURAL ECONOMIC DEVELOPMENT CENTER REDUCTIONS

Sec. 60. Notwithstanding the budget flexibility authorized in Section 7 of this act, reductions in the Department of Economic and Community Development for the Rural Economic Development Center, Inc., for the 1990-91 fiscal year shall equal no more than one and one-half percent (1 1/2%) of the budget of the Rural Economic Development Center, Inc.

PART XV.-----DEPARTMENT OF LABOR

Requested by: Senator Martin of Pitt, Representatives Redwine, B. Ethridge
-----NO BUDGET FLEXIBILITY/MIGRANT HOUSING INSPECTION PROGRAM

Sec. 61. The budget flexibility authorized in Section 7 of this act does not apply to funds appropriated to the Department of Labor for the fiscal year 1990-91 for the Migrant Housing Inspection Program.

PART XVI.-----DEPARTMENT OF HUMAN RESOURCES

Requested by: Senator Walker, Representative Gardner
-----MEDICAID PROGRAM FUNDS/ADMINISTRATIVE ACTIVITIES

Sec. 62. The Department of Human Resources may use Medicaid funds budgeted from program services to support the cost of administrative activities to the extent that these administrative activities produce a net savings in services requirements. Administrative initiatives funded by this section shall be first approved by the Office of State Budget and Management.

Requested by: Senator Walker, Representative Gardner
-----INFANT MORTALITY REDUCTION

Sec. 63. (a) The Division of Medical Assistance shall develop a statewide plan to inform Medicaid recipients about the availability of transportation, to determine the extent to which each local department of social services provides Medicaid transportation when requested, and to ensure that each local department provides Medicaid transportation. In gathering this information and designing the plan, the Division

shall consult with other public and private agencies that work with Medicaid patients who need transportation services.

(b) The Department of Human Resources shall establish a Food Stamp Outreach Program. Under the Program, the Department shall inform public and private agencies, community groups, potentially-eligible persons, and the general public regarding the eligibility requirements of the Food Stamp Program. The Department shall develop a referral list of public and private agencies, community groups, and interested persons and organizations who serve low-income persons. The Department shall inform these agencies and persons regarding the Food Stamp Program and changes in the law that affect client eligibility or the extent of benefits. The Department shall develop and distribute informational materials, such as public service announcements, brochures, pamphlets, posters, and correspondence.

Requested by: Senator Walker, Representative Gardner
-----WILLIE M. REPORTING CHANGE

Sec. 64. Section 82(e) of Chapter 500 of the 1989 Session Laws reads as rewritten:

"(e) Reporting Requirements. The Department of Human Resources and the Department of Public Education shall submit, by May 1, ~~1990,~~ 1991, a joint report to the Governor and the General Assembly on the progress achieved in serving members of the Willie M. Class. The report shall include the following unduplicated data for each county: (i) the number of children nominated for the Willie M. Class; (ii) the number of children actually identified as members of the Class in each county; (iii) the number of children served as members of the Class in each county; (iv) the number of children who remain unserved; (v) the types and locations of treatment and education services provided to Class members; (vi) the cost of services, by type, to members of the Class; (vii) information on the impact of treatment and education services on members of the Class."

Requested by: Senator Walker, Representative Gardner
-----EASTERN REGIONAL DETOXIFICATION FUNDS CHANGE

Sec. 65. Section 124 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 124. Funds appropriated to the Department of Human Resources, Division of Mental Health, ~~Mental Retardation,~~ Developmental Disabilities, and Substance Abuse Services, ~~for the 1989-90 fiscal year and~~ for the 1990-91 fiscal year for Eastern Regional Detoxification Services shall be allocated to the Division's Eastern Regional Office and distributed to area mental health, mental retardation, and substance abuse authorities ~~as determined by the regional management team~~."

Requested by: Senator Walker, Representative Gardner
-----ADAP TRANSPORTATION REIMBURSEMENT

Sec. 66. Section 84 of Chapter 500 of the 1989 Session Laws reads as rewritten:

"Sec. 84. (a) Reimbursement of Adult Developmental Activity Programs for transportation of clients shall be based on a cost per client basis. ~~The minimum amount that a program may be reimbursed for transportation cost shall be eleven dollars ($11.00) per client per month. The maximum amount that a program may be reimbursed for transportation cost shall be twenty-seven dollars ($27.00) per client per month.~~ There shall be different levels of reimbursement based on documented cost levels.

(b) In reimbursing Adult Developmental Activity Programs, the Department shall base the reimbursement on the distribution by cost range developed by the Division of Mental Health, ~~Mental Retardation,~~ Developmental Disabilities, and Substance Abuse Services, in accordance with its most recently conducted ~~survey~~ cost study."

Requested by: Senator Walker, Representative Gardner
-----SPECIALIZED RESIDENTIAL CENTERS' BED CONVERSIONS

Sec. 67. Section 125 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 125. Funds made available as a result of the conversion of State supported beds in specialized residential centers to ICF/MR beds shall be used to increase the State subsidy provided to centers. Funds made available to centers by this section shall be used, as they become available, to increase the subsidy rate to sixty-five percent (65%) of the statewide ~~1988-89~~ average cost of providing this service based on the most recent Specialized Community Residential Cost Study.

Funds made available in addition to those needed to increase the subsidy rate shall be transferred to the Division of Medical Assistance to be used as State match for the converted ICF/MR beds."

Requested by: Senator Walker, Representative Gardner

-----DAY CARE RATES

Sec. 68. (a) Section 101 of Chapter 500 of the 1989 Session Laws reads as rewritten:

"Sec. 101. (a) Rules for the monthly schedule of payments for the purchase of day care services for low income children shall be established by the Social Services Commission pursuant to G.S. 143B-153(8)a., in accordance with the following requirements:

(1) For ~~facilities~~ day care facilities, as defined in G.S. 110-86(3), in which fewer than fifty percent (50%) of the enrollees are subsidized by State or federal funds, the State shall continue to pay the same fee paid by private paying parents for a child in the same age group in the same facility.

(2) Facilities in which fifty percent (50%) or more of the enrollees are subsidized by State or federal funds may choose annually one of the following payment options:

a. The facility's payment rate for fiscal year 1985-86; or

b. The county market rate, as calculated annually by the Division of Facility Services' Child Day Care Section in the Department of Human ~~Resources' Office of Child Day Care Services.~~ Resources. A market rate shall be calculated for each county and for each age group of enrollees, and shall be ~~the county average of all~~ representative of fees charged to unsubsidized private paying parents for each age group of ~~enrollees. Effective July 1, 1987, and thereafter, the~~ enrollees within the county. The county market rates shall be calculated from facility fee schedules collected by the ~~Office of~~ Child Day Care ~~Services~~ Section during its ~~annual~~ routine inspection visits.

(3) Child day care homes as defined in G.S. 110-86(4) and individual child care arrangements may be paid the county market rate for day care homes which shall be calculated at least biennially by the Child Day Care Section according to the method described in subsection (a)(2) of this section, using day care home fee schedules collected by the section during its routine inspection visits.

(b) Facilities licensed pursuant to Article 7 of Chapter 110 of the General Statutes may participate in the program that provides for the purchase of ~~slots~~ care in day care facilities, for minor children of needy families. No separate licensing requirements may be used to select facilities to participate.

Day care ~~plans~~ homes from which the State purchases day care services shall meet the standards established by the Child Day Care Commission pursuant to G.S. 110-101 and G.S. 110-105.1. Individual child care arrangements shall meet the requirements established by the Social Services Commission. ~~Until it can demonstrate that it meets the standards adopted by the Child Day Care Commission, a day care plan from which the State purchases day care services for minor children of needy families shall meet all certification standards adopted by the Department of Human Resources' Office of Child Day Care Services. The fee for the purchase of care from a~~

~~day care plan is one hundred fifty dollars ($150.00) per month. The fee for the purchase of care from individual Child Caring Providers is one hundred dollars ($100.00) per month.~~

~~(c) Providers whose programs exceed licensing standards may modify their programs to standards consistent with licensing standards.~~

~~(d) Any savings that result by reason of this schedule shall be used by the Department to provide for payment of the costs of necessary day care for more minor children of needy families.~~

~~(e)~~ (c) County departments of social services shall continue to negotiate with day care providers for day care services below those rates prescribed by subsection (a) of this section. County departments are directed to purchase day care services so as to serve the greatest number of children possible with existing resources."

(b) Section 102 of Chapter 500 of the 1989 Session Laws reads as rewritten:

"Sec. 102. (a) To simplify current day care allocation methodology and more equitably distribute State day care funds, the Department of Human Resources shall apply the following allocation formula to all noncategorical federal and State day care funds used to pay the costs of necessary day care for minor children of needy families:

~~(1) Fifty percent (50%) of budgeted funds shall be distributed according to the county's population; and~~

~~(2) Fifty percent (50%) of budgeted funds shall be distributed based upon the county's poverty rate as a percentage of the sum total of all North Carolina's county poverty rates.~~

(1) One-third of budgeted funds shall be distributed according to the county's population in relation to the total population of the State;

(2) One-third of the budgeted funds shall be distributed according to the number of children under 6 years of age in a county who are living in families whose income is below the State poverty level in relation to the total number of children under 6 in the State in families whose income is below the poverty level; and

(3) One-third of budgeted funds shall be distributed according to the number of working mothers with children under 6 years of age in a county in relation to the total number of working mothers with children under 6 in the State.

(b) Counties whose allocation, if based on previously used formulas, exceeds the allocation produced by the formula prescribed by this section may not have their allocations reduced in either fiscal year 1989-90 or fiscal year 1990-91 to the level that results from application of the new formula. Counties whose allocation, if based on previously used formulas, is less than the allocation produced by the formula prescribed by this section shall continue to receive the proportional share of those funds that they received pursuant to appropriations for this purpose by the 1985 General Assembly. The formula prescribed by this section shall not be implemented unless additional State or federal funds are made available. The additional funds must be sufficient to apply the new formula without reducing any county's allocation below the previous year's initial allocation for child day care."

Requested by: Senator Walker, Representative Gardner

-----DHR PROGRAMS FUNDS

Sec. 69. (a) Notwithstanding the provisions of G.S. 143-23, the Secretary of the Department of Human Resources, with the approval of the Office of State Budget and Management, may use, to the extent possible, any funds appropriated or otherwise available to the Department in the 1990-91 fiscal year for the following needs, pursuant to the Governor's recommended changes to the 1990-91 State Budget:

(1) Mental Health Accounting System;

(2) Day Care Abuse/Neglect Investigators; and

(3) Pioneer Funding Project.

(b) The Department of Human Resources shall choose the priority in which the items in subsection (a) of this section shall be funded.

Requested by: Senator Walker, Representative Gardner

-----MEDICAID SERVICES COVERAGE CHANGE

Sec. 70. (a) Section 70(a) of Chapter 500 of the 1989 Session Laws, as amended by Section 139(a) of Chapter 752 of the 1989 Session Laws, reads as rewritten:

"(a) Appropriations in Section 3 of this act for services provided in accordance with Title XIX of the Social Security Act (Medicaid) are for both the categorically needy and the medically needy. Funds appropriated for these services shall be expended in accordance with the following schedule of services and payment bases. All services and payments are subject to the language at the end of this subsection.

Services and payment bases:

(1) Hospital-Inpatient - Payment for hospital inpatient services will be based on a prospective rate reimbursement plan as established by the Department of Human Resources. Administrative days for any period of hospitalization shall be limited to a maximum of three days.

(2) Hospital-Outpatient - Eighty percent (80%) of allowable costs or a prospective reimbursement plan as established by the Department of Human Resources.

(3) Mental Hospitals - Allowable costs or a prospective reimbursement if approved by the Director of the Budget.

(4) Skilled Nursing Facilities and Intermediate Care Facilities - ~~As~~ Prior to October 1, 1990, as prescribed under the State Plan for reimbursing Long-Term Care Facilities. Skilled nursing facility participation in the Medicare program is a condition of participation in the North Carolina Medicaid skilled nursing facility program. Effective October 1, 1990, skilled nursing facilities and intermediate care facilities, except those intermediate care facilities for the mentally retarded, will be designated for Medicaid purposes as nursing facilities. Nursing facilities will be reimbursed as prescribed under the State Plan for reimbursing Long-Term Care Facilities. Nursing facilities providing services to Medicaid recipients who also qualify for Medicare, must be enrolled in the Medicare program as a condition of participation in the Medicaid program, subject to phase-in certification for those nursing facilities not already enrolled in Medicare.

(5) Intermediate Care Facilities for the Mentally Retarded - As prescribed under the State Plan for reimbursing intermediate care facilities for the mentally retarded.

(6) Drugs - Drug costs as allowed by federal regulations plus four dollars twenty-four cents ($4.24) professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection (g) of this section and to the provisions at the end of subsection (a) of this section, or in accordance with a plan adopted by the Department of Human Resources consistent with federal reimbursement regulations.

(7) Physicians, Chiropractors, Podiatrists, Optometrists, Dentists, Certified Nurse Midwife Services - Fee schedules as developed by the Department of Human Resources. Payments for dental services are subject to the provisions of subsection (f) of this section.

(8) Community Alternative Program, EPSDT Screens - Payment to be made in accordance with a rate schedule developed by the Department of Human Resources.

(9) Home Health, Private Duty Nursing, Clinic Services, ~~Mental Health Clinics,~~ Prepaid Health Plans - Payment to be made according to reimbursement plans developed by the Department of Human Resources.
(10) Medicare Buy-In - Social Security Administration premium.
(11) Ambulance Services - Uniform fee schedules as developed by the Department of Human Resources.
(12) Hearing Aids - Actual cost plus a dispensing fee.
(13) Rural Health Clinic Services - Provider based - reasonable cost; nonprovider based - single cost reimbursement rate per clinic visit.
(14) Family Planning - Negotiated rate for local health departments. For other providers - see specific services, for instance, hospitals, physicians.
(15) Independent Laboratory and X-Ray Services - Uniform fee schedules as developed by the Department of Human Resources.
(16) Optical Supplies - One hundred percent (100%) of reasonable wholesale cost of materials.
(17) Ambulatory Surgical Centers - Negotiated rates, established by the Department of Human Resources.
(18) Medicare Crossover Claims - Actual coinsurance or deductible or both.
(19) Physical Therapy and Speech Therapy - Services limited to EPSDT eligible children. Payments are to be made only to the Children's Special Health Services program at rates negotiated by the Department of Human Resources.
(20) Personal Care Services - Payment in accordance with plan approved by the Department of Human Resources.
(21) Case Management Services - Reimbursement in accordance with the availability of funds to be transferred within the Department of Human Resources.
(22) Hospice - Services may be provided in accordance with plan developed by the Department of Human Resources.
(23) Other Mental Health Services - Unless otherwise covered by this section, coverage is limited to agencies meeting the requirements of the rules established by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services and reimbursement is made according with a plan developed by the Department of Human Resources not to exceed the upper limits established in federal regulations.
(24) Medically Necessary Prosthetics/Orthotics for EPSDT Eligible Children - Reimbursement in accordance with plan approved by the Department of Human Resources.

Reimbursement is available for up to 24 visits per recipient per year to any one or combination of the following: physicians, clinics, hospital outpatient, optometrists, chiropractors, and podiatrists. Prenatal services, ~~EPSDT screens,~~ all EPSDT eligible children, and emergency rooms are exempt from the visit limitations contained in this paragraph. Exceptions may be authorized by the Department of Human Resources where the life of the patient would be threatened without such additional care. Any person who is determined by the Department to be exempt from the 24-visit limitation may also be exempt from the six-prescription limitation."

(b) This section does not repeal Section 139(b) of Chapter 752, Session Laws of 1989, which may become effective as provided therein.

Requested by: Senator Walker, Representative Gardner

-----COMMUNITY ACTION PROGRAM FUNDS

Sec. 71. Section 119 of Chapter 500 of the 1989 Session Laws reads as rewritten:

"Sec. 119. For the 1989-90 fiscal year and the 1990-91 fiscal year, all agencies designated as eligible agencies pursuant to G.S. 113-28.24 that receive Community Service Block Grant funds may use those funds for the administration of agency

programs. The amount of those funds used for administration of agency programs shall be limited to ten percent (10%) of the total annual budget of the agency as certified in the prior year's audit of the agency. The Department of ~~Natural Resources and Community Development~~ Human Resources shall report ~~quarterly~~ annually to the Joint Legislative Commission on Governmental Operations and the Appropriations Committee on ~~Natural and Economic Resources~~ Human Resources beginning October 1, ~~1989,~~ 1990, on the use of Community Service Block Grant Funds for administration of agency programs. The report shall show:

(1) The total budget for each community action agency or limited purpose agency by program-funding source;
(2) The amount of funds for administration provided by each program;
(3) The criteria for determining the amount of funds used for administrative expenses; and
(4) The number of persons served by each program."

Requested by: Representative Gardner

-----REVISED MEDICAID COVERAGE FOR PREGNANT WOMEN AND CHILDREN

Sec. 72. Section 70(m) of Chapter 500 of the 1989 Session Laws, as rewritten by Section 133 of Chapter 752 of the 1989 Session laws, reads as rewritten:

"(m) The Department of Human Resources shall provide Medicaid coverage to pregnant women, to infants, and to children according to the following schedule:

~~(1) Effective July 1, 1989, through December 31, 1989, pregnant women with family incomes equal to or less than the federal poverty guidelines as revised annually shall be covered for Medicaid benefits;~~

(~~2~~1) Effective January 1, 1990, to September 30, 1990, pregnant women with incomes equal to or less than one hundred fifty percent (150%) of the federal poverty guidelines as revised ~~annually~~ each July 1 shall be covered for Medicaid benefits;

(2) Effective October 1, 1990, pregnant women with incomes equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines as revised each July 1 shall be covered for Medicaid benefits.

~~(3) Effective July 1, 1989, through December 31, 1989, infants under the age of one with family incomes equal to or less than the federal poverty guidelines as revised annually shall be covered for Medicaid benefits;~~

(4~~3~~) Effective January 1, 1990, ~~to September 30, 1990,~~ infants under the age of one with family incomes equal to or less than one hundred fifty percent (150%) of the federal poverty guidelines as revised ~~annually~~ each July 1 shall be covered for Medicaid benefits;

(4) Effective October 1, 1990, infants under the age of 1 with family incomes equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines as revised each July 1, shall be covered for Medicaid benefits.

(5) Effective October 1, 1989, through September 30, 1990, children aged 1 through 5 with family incomes equal to or less than the federal poverty guidelines as revised each July 1 shall be covered for Medicaid benefits;

(6) Effective October 1, 1990, children aged 1 through 5 with family incomes equal to or less than one hundred thirty-three percent (133%) of the federal poverty guidelines as revised each July 1 shall be covered for Medicaid benefits; and

~~(5) Effective July 1, 1989, through September 30, 1989, children under the age of three with family incomes equal to or less than the federal poverty guidelines as revised annually shall be covered for Medicaid benefits; and~~

~~(6) Effective October 1, 1989, children under the age of six with family incomes equal to or less than the federal poverty guidelines as revised annually shall be covered for Medicaid benefits.~~

(7) Effective October 1, 1990, children under the age of seven with family incomes equal to or less than the federal poverty guidelines as revised ~~annually~~ July 1, 1990, shall be covered for Medicaid benefits.

Services to pregnant women eligible under this section continue throughout the pregnancy but include only those related to pregnancy and to those other conditions determined by the Department as conditions that may complicate pregnancy. In order to reduce county administrative costs and to expedite the provision of medical services to pregnant women, to infants, and to children eligible under this section, no resources test shall be applied."

Requested by: Senator Walker, Representative Gardner
-----CHRONICALLY MENTALLY ILL FUNDS

Sec. 73. Funds to provide expanded community-based services to adults with severe and persistent mental illness are to be allocated to the Department of Human Resources' regions on a per capita basis. Within each region, ninety percent (90%) of the funds shall be distributed to the area mental health programs on a per capita basis and ten percent (10%) to area mental health programs for special needs as determined by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. The Division may reallocate any unexpended funds within the specified region.

Requested by: Senator Walker
-----DHR PLANNING FUNDS

Sec. 74. The Department of Human Resources may use funds that become available to it through gifts, federal or private grants, receipts from federal programs, or any other source in the 1990-91 fiscal year, for advance planning through the working drawings phase for a psychiatric facility at John Umstead Hospital.

Requested by: Senators Royall, Walker, Representative Gardner
-----BUDGET REQUIRED TO INCLUDE STATE COST OF LOCAL PROGRAMS

Sec. 75. Effective July 1, 1991, the Office of State Budget and Management and the Director of the Budget, with the advice of the Advisory Budget Commission, shall prepare the State budget in a format that adequately and fairly reflects the continuation costs for the State's share of locally operated programs established by statute or State appropriation. These continuation costs shall be computed using the same budget preparation guidelines and rules prepared by the Office of State Budget and Management for use in State agency and institution budgets. Furthermore, in the projections for the expansion costs related to employee compensation, the budget shall include the expansion costs necessary to cover the State's share of salary and salary-related items for employees in locally operated State-funded programs. Local governments or organizations spending State funds to operate local programs shall provide necessary information to the Office of State Budget and Management to establish the necessary continuation and expansion costs.

Requested by: Senator Walker, Representative Gardner
-----USE OF STATE FUNDS AT MCLEOD PROGRAM

Sec. 76. The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Human Resources, shall ensure that State funds appropriated in the 1990-91 fiscal year for the operation of the McLeod Center Residential Drug Program are expended only after other program receipts from the 1988-89, 1989-90, and 1990-91 fiscal years are expended. State funds appropriated for the 1990-91 fiscal year that are not required for the operation of the McLeod Center Residential Drug Program as a result of this section shall remain available to the Department of Human Resources for the operation of its programs.

Requested by: Senators Daniel, Bryan, Walker
-----REST HOME AIDE TRAINING RULE SUSPENSION

Sec. 77. The Social Services Commission shall not promulgate any rules requiring training for aides in domiciliary care facilities to be effective before June 1, 1991. The Legislative Research Commission Study Committee on Care Provided by Rest Homes, Intermediate Care Facilities, and Skilled Nursing Homes; and Necessity for Certificate of Need; and Continuing Care Issues shall consider requirements for aide training and State reimbursements to rest homes and shall make recommendations on these issues as part of its report to the Legislative Research Commission for transmittal to the 1991 General Assembly. Prior to adopting any rules regarding aide training, the Social Services Committee shall consider the Study Committee's recommendations.

Requested by: Senator Walker, Representative Gardner
-----DOMICILIARY RATE INCREASE

Sec. 78. Section 81 of Chapter 500 of the 1989 Session Laws, as rewritten by Section 131 of Chapter 752 of the 1989 Session Laws, reads as rewritten:

"Sec. 81. Effective January 1, 1990, the maximum monthly rate for ambulatory residents in domiciliary care facilities shall be ~~seven hundred twenty-four dollars ($724.00)~~ $724.00 and the maximum monthly rate for semi-ambulatory residents shall be ~~seven hundred sixty dollars ($760.00)~~ $760.00. Effective January 1, 1991, the maximum monthly rates for ambulatory residents shall be increased to ~~seven hundred thirty-four dollars ($734.00)~~ $756.00 and for semi-ambulatory residents ~~seven hundred seventy dollars ($770.00)~~ $793.00."

Requested by: Representative Diamont
-----LIMITATIONS ON THE STATE ABORTION FUND

Sec. 79. Section 93 of Chapter 479, 1985 Session Laws, as amended by Section 75 of Chapter 738 of the 1987 Session Laws, and as further amended by Section 72 of Chapter 500 of the 1989 Session Laws, shall remain in effect on and after July 1, 1990, with the following exceptions:

(1) The phrase "within the first 135 days of pregnancy." is deleted wherever it appears in subdivision (1) of that section and the following phrase is substituted: "within the first 112 days of pregnancy.";

(2) The phrase "Applicants under subparagraph c. shall only be eligible for services provided under this section one time" is deleted wherever it appears in subdivision (3) of that section and the following phrase is substituted: "Applicants shall be eligible for services provided under this section only one time".

Any reference in Section 93 of Chapter 479, 1985 Session Laws, as amended, to the 1985-86 fiscal year or the 1986-87 fiscal year shall apply to the 1990-91 fiscal year.

PART XVII.-----COLLEGES AND UNIVERSITIES

Requested by: Senator Ward, Representatives J. Crawford, Tart
-----AID TO PRIVATE COLLEGES CLARIFICATION

Sec. 80. Section 30 of Chapter 500 of the 1989 Session Laws, as rewritten by Section 93 of Chapter 752 of the 1989 Session Laws, reads as rewritten:

"Sec. 30. (a) Funds appropriated in this act to the Board of Governors of The University of North Carolina for aid to private colleges shall be disbursed in accordance with the provisions of G.S. 116-19, 116-21, and 116-22. These funds shall provide up to four hundred fifty dollars ($450.00) per full-time equivalent North Carolina undergraduate student enrolled at a private institution as of October 1 each year.

These funds shall be placed in a separate, identifiable account in each eligible institution's budget or chart of accounts. All funds in this account shall be provided as scholarship funds for needy North Carolina students during the fiscal year. Each student awarded a scholarship from this account shall be notified of the source of the

funds and of the amount of the award. Funds not utilized under G.S. 116-19 shall be for the tuition grant program as defined in subsection (b) of this section.

(b) In addition to any funds appropriated pursuant to G.S. 116-19 and in addition to all other financial assistance made available to private educational institutions located within the State, or to students attending these institutions, there is granted to each full-time North Carolina undergraduate student attending an approved institution as defined in G.S. 116-22, ~~the sum of~~ a sum, not to exceed one thousand one hundred fifty dollars ($1,150) per academic year, which shall be distributed to the student as hereinafter provided. Initial allocations of these grants shall be at a level of ninety-five percent (95%) of the maximum grant for which a student is eligible. The State Education Assistance Authority shall project the number of students eligible, and the funds required, for the full academic year, and the Authority shall allocate grants at the highest proportion possible of the maximum grants.

The tuition grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority may not approve any grant until it receives proper certification from an approved institution that the student applying for the grant is an eligible student. Upon receipt of the certification, the State Education Assistance Authority shall remit at such times as it shall prescribe the grant to the approved institution on behalf, and to the credit, of the student.

In the event a student on whose behalf a grant has been paid is not enrolled and carrying a minimum academic load as of the 10th classroom day following the beginning of the school term for which the grant was paid, the institution shall refund the full amount of the grant to the State Education Assistance Authority. Each approved institution shall be subject to examination by the State Auditor for the purpose of determining whether the institution has properly certified eligibility and enrollment of students and credited grants paid on the behalf of the students.

In the event there are not sufficient funds to provide each eligible student with a full grant:

(1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, ~~may~~ (i) shall transfer available funds to meet the needs of the programs provided by subsections (a) and ~~(b) of~~ (b), up to the level of ninety-seven percent (97%) of the maximum allocation allowed in this ~~section;~~ section, and (ii) may transfer sufficient funds to meet the full needs of the programs provided by this section if sufficient funds are available in the budgets of the Board of Governors of The University of North Carolina; and

(2) Each eligible student shall receive a pro rata share of funds then available for the remainder of the academic year within the fiscal period covered by the current appropriation.

Any remaining funds shall revert to the General Fund.

(c) Expenditures made pursuant to this section may be used only for secular educational purposes at nonprofit institutions of higher learning."

Requested by: Senators Chalk, Ward, Representatives Lineberry, Tart

-----UNC INSTITUTIONS' CENTENNIAL CELEBRATION FUNDS

Sec. 81. The Board of Governors of The University of North Carolina may allocate from funds available to General Administration for the 1990-91 fiscal year up to $100,000 per campus in the 1990-91 fiscal year for centennial celebrations at the constituent institutions.

Requested by: Senator Ward, Representative Jones

-----UNC EMPLOYEES PAYROLL DEDUCTIONS FOR UNC CHARITIES AND ATHLETICS

Sec. 82. G.S. 143-3.3(a) reads as rewritten:

"(a) All transfers and assignments made of any claim upon the State of North Carolina or any of its departments, bureaus or commissions or upon any State institution or of any part or share thereof or interest therein, whether absolute or conditional and whatever may be the consideration therefor and all powers of attorney, orders or other authorities for receiving payment of any such claim or any part or share thereof shall be absolutely null and void unless such claim has been duly audited and allowed and the amount due thereon fixed and a warrant for the payment thereof has been issued; and no warrant shall be issued to any assignee of any claim or any part or share thereof or interest therein: Provided that this section shall not apply to assignments made in favor of hospitals, building and loan associations, prepaid legal services, uniform rental firms to allow employees of the Department of Transportation to rent uniforms that include day-glo orange shirts or vests as required by federal and State law, and medical, hospital, disability and life insurance companies: Provided further, that any employee of the State or of any of its institutions, departments, bureaus, agencies or commissions, who is a member of any credit union organized pursuant to Chapter 54 of the North Carolina General Statutes having a membership at least one half of whom are employed by the State or its institutions, departments, bureaus, agencies or commissions, may authorize, in writing, the periodic deduction from his salary of wages as such employee of a designated lump sum, which shall be paid to such credit unions when said salaries or wages are payable, for deposit to such accounts, purchase of such shares or payment of such obligations as the employee and the credit union may agree: Provided further, that any employee of the State or of any of its institutions, departments, bureaus, agencies or commissions, or any of its community colleges, who is a member of a domiciled State employees' association with a membership of not less than 5,000 members, the majority of whom are State employees, may authorize in writing the periodic deduction from his salary or wages a designated sum to be paid to the employees' association. This plan of payroll deductions for State employees and other association members shall become null and void at such time as the employee association engages in collective bargaining. Except as otherwise provided, nothing in this last proviso shall apply to local boards of education, county or municipal governments or any local governmental units. Provided further, that subject to the rules and regulations adopted by the State Controller, any employee of the State or of any of its institutions, departments, bureaus, agencies or commissions may authorize in writing the withholding from his salary or wages an amount to satisfy his pledge to the State Employees Combined Campaign. Provided further, that subject to any rules and regulations adopted by the State Controller, any employee of a local board of education or community college may authorize in writing the withholding from his salary or wages a periodic deduction of a designated sum to be paid to any organization which qualifies for recognition of exemption by the Internal Revenue Service as a charitable organization as defined in Section 501(c)(3) of the Internal Revenue Code which has first been approved by his local board of education or community college board. Provided further, that subject to any rules and regulations adopted by the State Controller, any employee of a constituent institution of The University of North Carolina that processes its own payroll may authorize in writing the withholding from his salary or wages a periodic deduction of a designated sum to be paid to any organization that qualifies for recognition of exemption by the Internal Revenue Service as a charitable organization as defined in Section 501(c)(3) of the Internal Revenue Code and that exists to support athletic or charitable programs at the constituent institution where the employee is employed: Provided further that such organization must be approved by the President of The University of North Carolina as existing to support such athletic or charitable programs: Provided, further that such withholding is allowed only at those eligible constituent institutions that have authorized withholding plans under this proviso. If a withholding plan results in additional costs to a campus, these costs shall be paid by those charitable organizations receiving contributions under the withholding plan."

Requested by: Senator Ward, Representative J. Crawford
-----PLAN FOR NURSE MIDWIFERY EDUCATION PROGRAMS

Sec. 83. The Board of Governors of The University of North Carolina shall plan for the development of nurse midwifery education programs at those institutions with appropriate supporting academic programs. The Board of Governors shall work with the Area Health Education Centers in planning for the development of clinical sites for the nurse midwifery education programs and shall report to the General Assembly by January 1991 on the cost required to implement the nurse midwifery programs in the 1991-92 academic year.

Requested by: Senator Ward, Representatives Hardaway, Tart
-----RURAL DEVELOPMENT PROGRAMS

Sec. 84. (a) The General Assembly finds that local capacity to plan and manage development efforts in rural areas has traditionally been impaired due to the lack of fiscal resources to attract and maintain the full-time, professional expertise required. Budget limitations and the resulting dearth of positions for planning and development specialists in rural areas have created the false impression that there is no demand for specially trained professionals to address these important rural needs. Consequently, few universities offer a curriculum tailored to the development needs of rural communities. This persistent shortage of trained planning and development personnel tends to exacerbate the already serious disadvantages rural areas face in trying to compete with the faster growing, more prosperous urban areas. The large number of relatively small units of government in rural areas with their attendant budget and staff limitations have resulted in a fragmentation of development efforts.

Where expertise, technical support, and adequate compensation are in short supply, the creation of a county-level planning and development position complete with an appropriately trained specialist can provide the focus, initiative, and direction necessary to help overcome programming deficiencies and problems of organization and coordination. By strengthening and broadening local and regional institutional capacity, rural areas will be in a better position to solve their problems and capture development opportunities.

(b) The Board of Governors of The University of North Carolina shall review the need for a two-year graduate degree program in rural economic planning and development, which may include a broad range of courses in relevant fields of study such as agriculture, rural sociology, economics, public administration, and regional development.

The Board of Governors may appoint a special ad hoc committee to advise the Board in planning the rural economic planning and development program. Membership of such a committee should include University of North Carolina System faculty and administrators, representatives of local governments, and experts in rural economic development.

(c) The North Carolina Rural Economic Development Center, Inc., shall study the development of (i) a program to provide rural economic development internships, (ii) a matching grant program to enable distressed counties to fund development personnel positions, and (iii) an economic development scholarship loan program. Any plans for those programs shall be developed as State-funded programs in accordance with the proposals in House Bill 2253.

(d) All studies and plans to be developed in this section shall be submitted to the General Assembly by February 1, 1991.

Requested by: Senator Ward, Representatives Rhyne, Tart
-----HIGHER EDUCATION OPPORTUNITY STUDY

Sec. 85. (a) The Legislative Research Commission may study the issue of higher education opportunity. The Chairmen shall consider appointing the members of the Committee as follows:

(1) The Superintendent of Public Instruction, or his designee;

(2) The Chairman of the State Board of Education, or his designee;
(3) The President of the Community College System, or his designee;
(4) The President of The University of North Carolina, or his designee;
(5) The Chairman of the Association of Independent Colleges and Universities, or his designee;
(6) Fifteen members appointed as follows:
a. Five members appointed upon the recommendation of the Governor;
b. Five members appointed from the House of Representatives; and
c. Five members appointed from the Senate.

(b) The Committee shall study the issue of providing tuition and fees grants for higher education to North Carolina students of proven academic ability who lack the necessary financial resources otherwise to attend a public four-year institution of higher education. The Committee shall report the results of this examination, including any legislative and appropriations recommendations, to the Legislative Research Commission for transmittal to the 1991 General Assembly.

(c) The Committee's study shall include:
(1) An analysis of Louisiana's, and other states', initiatives in providing financial opportunity for higher education to their students of proven academic ability;
(2) An analysis of the costs and future savings involved in providing such opportunity for North Carolina students;
(3) A determination of what specific residence criteria, other than those currently being used by The University of North Carolina, if any, would need to be employed;
(4) A determination of what academic standards eligible students would need to prove they have met, including high school course requirements, and standardized test scores;
(5) A determination of what financial needs tests the students and their families must meet in order to qualify;
(6) A determination of whether to allow a percentage deviation from the set standards for a certain number of students receiving financial help under this program;
(7) A determination of what, if any, additional criteria students attending constituent institutions of higher education under this program must continue to meet to continue to receive financial aid under this program;
(8) A determination of what entity should administer this program, whether the Board of Governors of The University of North Carolina, the State Education Assistance Authority, or other entity; and
(9) Any additional determination or examination the Education Study Commission considers necessary to carry out its mandate.

(d) The University of North Carolina and the Department of Public Instruction shall cooperate with the Legislative Research Commission Higher Education Opportunity Study Committee as it carries out the mandate established in this act.

(e) Of the funds appropriated to the General Assembly for the 1990-91 fiscal year, the sum of $20,000 may be allocated to the Legislative Research Commission for its work.

Requested by: Senator Ward, Representative Jones
-----ECU MRI FUNDS

Sec. 86. Section 92 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 92. (a) Effective July 1, 1989 funds appropriated to the Board of Governors of The University of North Carolina for the East Carolina University School of Medicine for Medicare education shall be allocated as follows:

(1) That portion of the Medicare reimbursement that can be identified as having been generated through the effort and at the expense of the School's

Medical Faculty Practice Plan shall be transferred to the appropriate Medical Faculty Practice Plan account within the School; and

(2) The remainder shall be transferred to a special nonreverting account within the School.

Funds deposited in the account pursuant to subdivision (2) of this section shall be spent for nonrecurring items of equipment and facilities that are required to maintain the School of Medicine's teaching facilities within Pitt County Memorial Hospital and the Brody Medical Sciences Building.

(b) All revenue heretofore or subsequently received by the East Carolina University School of Medicine Medical Faculty Practice Plan from patients or their health insurance companies for treatment received in the Radiation Therapy Facility shall be retained by the School's Medical Faculty Practice Plan and used to defray current operating expenses and for future support and enhancement of the facility.

(b1) All funds subsequently received by the East Carolina University School of Medicine from Pitt County Memorial Hospital for the lease of the Magnetic Resonance Imaging (MRI) building and equipment shall be retained by the School of Medicine in a nonreverting account and expended to defray current operating expenses and for future support and enhancement of the MRI facility.

(c) All the receipts in subsections (a), (b), and (b1) shall appear in the General Fund Budget Code (16066) at East Carolina University.

(d) This section shall expire June 30, 1991."

PART XVIII.-----COMMUNITY COLLEGES

Requested by: Senator Conder, Representatives J. Crawford, Tart

-----RICHMOND COMMUNITY COLLEGE/CHILDBIRTH CLASSES

Sec. 87. Notwithstanding any other provision of law, the Board of Trustees of Richmond Community College may permit students under 16 years of age to participate in childbirth classes at the college under The Support Mother's Program. These students may not be included in the computation of budget full-time equivalent student enrollment for the college; however, community services funds may be used to operate this Program.

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----COMMUNITY COLLEGE TUITION INCREASE

Sec. 88. Section 79 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 79. The State Board of Community Colleges shall adopt tuition rates beginning in the fall quarter of ~~1989~~ 1990 in the amount of ~~ninety dollars ($90.00)~~ one hundred five dollars ($105.00) per quarter for in-State students and ~~eight hundred forty dollars ($840.00)~~ nine hundred eighty-one dollars ($981.00) per quarter for out-of-State students.

The State Board of Community Colleges shall adopt tuition rates beginning in the fall quarter of 1990 in the amount of twenty-five dollars ($25.00) a course for occupational extension courses."

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----"TECH PREP" IMPLEMENTATION

Sec. 89. Of the funds available to the Department of Public Education for vocational education in the 1990-91 fiscal year, the sum of $50,000 shall be allocated to the North Carolina Tech Prep Leadership Development Center at Richmond Community College for assistance to local education agencies and community colleges in planning and implementing "Tech Prep" across the State. The Department of Community Colleges shall allocate $50,000 from funds available to it for the 1990-91 fiscal year for the North Carolina "Tech Prep" Leadership Development Center at Richmond Community College.

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----STATE BOARD OF COMMUNITY COLLEGES GUIDELINES

Sec. 90. Notwithstanding any other provision of law, the State Board of Community Colleges shall establish budget guidelines not inconsistent with Section 80 of Chapter 752 of the 1989 Session Laws for the expenditure of individual community college budgets for the 1990-91 fiscal year. In establishing these guidelines the Board shall assure that statewide priorities are met, to the extent resources are available. The State Board of Community Colleges shall establish parameters for expenditure of appropriations to assure that:

(1) Literacy funds shall not be reduced or spent for any other purpose and, to the maximum extent possible, anyone requesting literacy education will be served;

(2) New Industry Training, Focused Industrial Training, and Small Business Center funds shall not be reduced without full justification and assurances that needs are being met;

(3) Salary increase funds shall be used to provide a four percent (4%) across-the-board salary increase to all full-time and permanent part-time employees. Two percent (2%) salary increase funds shall be used to provide merit pay or to maintain quality in educational programs through expenditures for personnel only.

The State Board is not obligated to make budget reduction allocations on a pro rata basis and may specify various programs for reduction.

The State Board shall require each college to submit a plan detailing how its budget reduction will be accomplished in order to assure a balanced educational program that meets statewide priorities.

The State Board shall report to the 1991 General Assembly on these guidelines and their implementation by each college.

Requested by: Senator Ward, Representative Tart

-----COMMUNITY COLLEGE BOOKSTORE SALES

Sec. 91. G.S. 115D-5 is amended by adding a new subsection to read:

"(a1) Notwithstanding G.S. 66-58(c)(3) or any other provisions of law, the State Board of Community Colleges may adopt rules governing the expenditure of funds derived from bookstore sales by community colleges. These expenditures shall be consistent with the mission and purpose of the Community College System. Profits may be used in the support and enhancement of the bookstores, for student aid or scholarships, for expenditures of direct benefit to students, and for other similar expenditures authorized by the board of trustees, subject to rules adopted by the State Board. These funds shall not be used to supplement salaries of any personnel."

PART XIX.-----PUBLIC SCHOOLS

Requested by: Senator Ward, Representatives Tart, J. Crawford

-----SMALL SCHOOL PROGRAM ALLOTMENTS

Sec. 92. G.S. 115C-416 reads as rewritten:

"**§ 115C-416. Power to allot funds for teachers and other personnel.**

The Board shall have power to provide for the enrichment and strengthening of educational opportunities for the children of the State, and when sufficient State funds are available to provide first for the allotment of such a number of teachers as to prevent the teacher loan from being too great in any school, the Board is authorized, in its discretion, to make an additional allotment of teaching personnel to local school administrative units of the State to be used either jointly or separately, as the Board may prescribe. Such additional teaching personnel may be used in the local school administrative units as librarians, special teachers, or supervisors of instruction and for other special instructional services such as art, music, physical education, adult education, special education, or industrial arts as may be authorized and approved by the Board. The salary of all such personnel shall be determined in accordance with the State salary schedule adopted by the Board.

In addition, the Board is authorized and empowered in its discretion, to make allotments of funds for clerical assistants for classified principals and for school social workers.

The Board is further authorized, in its discretion, to allot teaching personnel to local school administrative units for experimental programs and purposes.

The Board may also allot teaching and other positions, within funds available, to local school administrative units to allow local units to place personnel occupying those positions in private hospitals and treatment facilities for the limited purpose of providing education to students confined to those institutions. The Board shall adopt rules to ensure that any such placements do not contribute to the profitability of private institutions and that they are otherwise in accordance with State and federal law."

Requested by: Senator Ward, Representatives Tart, J. Crawford

-----LEAVE ACCUMULATION/PUBLIC SCHOOL EMPLOYEES

Sec. 93. G.S. 115C-272(b) reads as rewritten:

"(b) Superintendents shall be paid promptly when their salaries are due provided the legal requirements for their employment and service have been met. All superintendents employed by any local school administrative unit who are paid from local funds shall be paid promptly as provided by law and as State allotted superintendents are paid. Superintendents paid from State funds shall be paid as follows:

(1) Salary payments to superintendents shall be made monthly on the basis of each calendar month of service. Included within their term of employment shall be annual vacation leave at the same rate provided for State employees. Included within the 12 months' employment each local board of education shall designate the same or an equivalent number of legal holidays as those designated by the State Personnel Commission for State employees.

(2) Notwithstanding any provisions of this section to the contrary no person shall be entitled to pay for any vacation day not earned by that person. Vacation days shall not be used for extending the term of employment of individuals and shall not be cumulative from one fiscal year to another fiscal year: Provided, that superintendents may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until ~~December 31~~ June 30 of each year. On ~~December 31~~ June 30 of each year, any superintendent with more than 30 days of accumulated leave shall have the excess accumulation cancelled so that only 30 days are carried forward to ~~January 1~~ July 1 of the ~~next~~ same year. All vacation leave taken by the superintendent will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision.

(3) Each local board of education shall sustain any loss by reason of an overpayment to any superintendent paid from State funds.

(4) All of the foregoing provisions of this section shall be subject to the requirement that at least fifty dollars ($50.00), or other minimum amount required by federal social security laws, of the compensation of each school employee covered by the Teachers' and State Employees'

Retirement System or otherwise eligible for social security coverage shall be paid in each of the four quarters of the calendar year."

Sec. 94. G.S. 115C-316(a) reads as rewritten:

"(a) School officials and other employees shall be paid promptly when their salaries are due provided the legal requirements for their employment and service have been met. All school officials and other employees employed by any local school administrative unit who are to be paid from local funds shall be paid promptly as provided by law and as state-allotted school officials and other employees are paid.

Public school employees paid from State funds shall be paid as follows:

(1) Employees Other than Superintendents, Supervisors and Classified Principals on an Annual Basis. -- Salary payments to employees other than superintendents, supervisors, and classified principals employed on an annual basis shall be made monthly at the end of each calendar month of service. Included within their term of employment shall be annual vacation leave at the same rate provided for State employees, computed at one-twelfth (1/12) of the annual rate for state employees for each calendar month of employment. On a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, an employee may elect not to report due to hazardous travel conditions and to take one of his annual vacation days or to make up the day at a time agreed upon by the employee and his immediate supervisor or principal. Included within their term of employment each local board of education shall designate the same or an equivalent number of legal holidays as those designated by the State Personnel Commission for State employees.

(2) School Employees Paid on an Hourly or Other Basis. -- Salary payments to employees other than those covered in G.S. 115C-272(b)(1), 115C-285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-316(a)(1) shall be made at a time determined by each local board of education. Expenditures for the salary of these employees from State funds shall be within allocations made by the State Board of Education and in accordance with rules and regulations approved by the State Board of Education concerning allocations of State funds: Provided, that any individual school employee employed for a term of 10 calendar months may be paid in 12 monthly installments if the employee so requests on or before the first day of the school year. Such request shall be filed in the administrative unit which employs the employee. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease said annual salary nor in any other way alter the contract between the employee and the said administrative unit. Included within the term of employment shall be provided for full-time employees annual vacation leave at the same rate provided for State employees, computed at one-twelfth (1/12) of the annual rate for State employees for each calendar month of employment, to be taken under policies determined by each local board of education. On a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, an employee may elect not to report due to hazardous travel conditions and to take one of his annual vacation days or to make up the day at a time agreed upon by the employee and his immediate supervisor or principal. Included within their term of employment, each local board of education shall designate the same or an equivalent number of legal holidays occurring within the period of employment as those designated by the State Personnel Commission for State employees.

(3) Notwithstanding any provisions of this section to the contrary no person shall be entitled to pay for any vacation day not earned by that person.

The first 10 days of annual leave earned by a 10- or 11-month employee during any fiscal year period shall be scheduled to be used in the school calendar adopted by the respective local boards of education. Vacation days shall not be used for extending the term of employment of individuals. Ten- or 11-month employees may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any of these employees with more than 30 days of accumulated leave shall have the excess accumulation cancelled so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by these employees will be upon the authorization of their immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision.

(4) Twelve-month school employees other than superintendents, supervisors and classified principals paid on an hourly or other basis whether paid from State or from local funds may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until ~~December 31~~ June 30 of each year. On ~~December 31~~ June 30 of each year, any employee with more than 30 days of accumulated leave shall have the excess accumulation cancelled so that only 30 days are carried forward to ~~January 1~~ July 1 of the ~~next~~ same year. All vacation leave taken by the employee will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision.

(5) All of the foregoing provisions of this section shall be subject to the requirement that at least fifty dollars ($50.00), or other minimum amount required by federal social security laws, of the compensation of each school employee covered by the Teachers' and State Employees' Retirement System or otherwise eligible for social security coverage shall be paid in each of the four quarters of the calendar year.

(6) Each local board of education shall sustain any loss by reason of an overpayment to any school official or other employee paid from State funds."

Requested by: Senator Ward, Representatives Tart, J. Crawford

-----PROSPECTIVE TEACHER SCHOLARSHIP LOAN PROGRAM/EXPANDED TO COVER ADDITIONAL CERTIFIED EMPLOYEES

Sec. 95. G.S. 115C-471 reads as rewritten:

"§ 115C-471. Fund administered by State Superintendent of Public Instruction; rules and regulations.

The Scholarship Loan Fund for Prospective Teachers shall be administered by the State Superintendent of Public Instruction, under the following rules and regulations, and under such further rules and regulations as the State Board of Education shall in its discretion promulgate:

(1) Any resident of North Carolina who is interested in preparing to teach in the public schools of the State shall be eligible to apply in writing to the State Superintendent of Public Instruction for a regular scholarship loan in the amount of not more than two thousand dollars ($2,000) per academic school year.

(2) All scholarship loans shall be evidenced by notes made payable to the State Board of Education which shall bear interest at the rate of six percent (6%) per annum from and after September 1 following fulfillment by a prospective teacher of the requirements for a ~~teacher's~~ certificate based upon the ~~bachelor's~~ entry level degree; or in the case of persons already teaching in the public schools who obtain scholarship loans such notes shall bear interest at the prescribed rate from and after September 1 of the school year beginning immediately after the use of such scholarship loans; or in the event any such scholarship shall be terminated under the provisions of subdivision (3) of this section then such notes shall bear interest from the date of such termination. A minor recipient who signs such note or notes shall also obtain the endorsement thereon by a parent, if there be a living parent, unless such endorsement is waived by the Superintendent of Public Instruction. Such minor recipient shall be obligated upon such note or notes as fully as if he or she were of age and shall not be permitted to plead such minority as a defense in order to avoid the obligations undertaken upon such note or notes.

(3) Each recipient of a scholarship loan under the provisions of this program shall be eligible for scholarship loans each year until he has qualified for a ~~teacher's~~ certificate based upon the ~~bachelor's~~ entry level degree, but he shall not be so eligible for more than ~~four years nor after~~ the minimum number of years required by the college or university for qualifying for said certificate. The permanent withdrawal of any recipient from college or failure of such recipient to do college work in a manner acceptable to the State Superintendent of Public Instruction will immediately forfeit such recipient's right to retain such scholarship and subject such scholarship to termination by the State Superintendent of Public Instruction in his discretion. All terminated scholarships shall be regarded as vacant and subject to being awarded to other eligible persons.

(4) Except under emergency conditions applicable to the State Superintendent of Public Instruction, recipients of scholarship loans shall enter the public school system of North Carolina at the beginning of the next school term after qualifying for a ~~teacher~~ certificate based upon the ~~bachelors~~ entry level degree or in case of persons already teaching in the public schools at the beginning of the next school term after the use of such loan. All teaching service for which the recipient of any scholarship loan is obligated shall be rendered within seven years after the completion of the use of each such scholarship loan.

(5) For each full school year taught in a North Carolina public school, the recipient of a scholarship loan shall receive credit upon the amount due by reason of such loan equal to all interest accrued upon the loan to that time plus a credit of two thousand dollars ($2,000) upon the principal amount of such obligation or such lesser amount as may remain due upon said principal; provided, however, that in lieu of teaching in the public school,

a recipient may elect to pay in cash the full amount of scholarship loans received plus interest then due thereon or any part thereof which has not been canceled by the State Board of Education by reason of teaching service rendered.

(6) If any recipient of a scholarship loan who is fulfilling his obligation under subdivision (4) of this section dies within the seven-year period, or if any recipient dies during the period of attendance at a college or university under a scholarship loan, any balance that has not been discharged through service shall be automatically canceled.

If any recipient of a scholarship loan fails to fulfill his obligations under subdivision (4) of this section, other than as provided above, the amount of his loan and accrued interest, if any, shall be due and payable from the time of failure to fulfill such obligations.

(7) The State Superintendent of Public Instruction shall award scholarship loans with due consideration to such factors and circumstances as: aptitude, purposefulness, scholarship, character, financial need, and areas or subjects of instruction in which the demands for teachers are greatest. Since the primary purpose of this Article is to attract worthy young people to the teaching profession, preference shall be given to high school seniors in the awarding of scholarships."

Requested by: Senator Ward, Representative Diamont

-----SCHOOL TRANSPORTATION BUDGET REDUCTION/ IMPLEMENTATION

Sec. 96. (a) G.S. 115C-240(d) reads as rewritten:

"(d) The State Board of Education shall assist local boards of education by establishing guidelines and a framework through which local boards may establish, review and amend school bus routes prepared pursuant to G.S. 115C-246. The State Board shall also require local boards to implement the Transportation Information Management System or an equivalent system approved by the State Board of Education, no later than July 1, 1992. The State Board of Education shall also assist local boards of education with reference to the acquisition and maintenance of school buses or any other question which may arise in connection with the organization and operation of school bus transportation systems of local boards."

(b) G.S. 115C-246(a) reads as rewritten:

"(a) The ~~principal of the school to which a school bus has been assigned~~ superintendent of the local school administrative unit shall, prior to the commencement of each regular school year, prepare ~~and submit to the superintendent of the local school administrative unit~~ a plan for a definite route, including stops for receiving and discharging pupils, for each school bus ~~assigned to such school~~ so as to assure the most efficient use of such bus and the safety and convenience of the pupils assigned thereto. The superintendent ~~shall examine such plan and~~ may, in his discretion, obtain the advice of the State Board of Education with reference ~~thereto.~~ to the plan. ~~The superintendent shall make such changes in the proposed bus routes as he shall deem proper for the said purposes and, thereupon, shall approve the route. When so approved the~~ The buses shall be operated upon the route so established and not otherwise, except as provided in this Article. From time to time the principal may suggest changes in any such bus route as he shall deem proper for the said purposes, and the same shall be effective when approved by the superintendent of the local school administrative unit."

(c) The State Board of Education may modify its formula for allocating school transportation funds, in accordance with G.S. 115C-240(e), so as to make the most efficient use of the funds. The State Board of Education may use funds saved by operating the school transportation system more efficiently to complete the implementation of the Transportation Information Management System.

(d) The Department of Public Instruction shall report to the Joint Legislative Commission on Governmental Operations prior to December 1, 1990, on its efforts to lower fuel costs and improve efficiency in the student transportation system.

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----CAREER DEVELOPMENT PROGRAM TRANSITION

Sec. 97. Section 7 of Chapter 778 of the 1989 Session reads as rewritten:

"Sec. 7. Existing Career Development and Lead Teacher Pilot Programs.

(a) Notwithstanding the provisions of Article 24B of Chapter 115C of the General Statutes, Article 24D of Chapter 115C of the General Statutes, or any other provision of law, funding for the career development pilot projects and the lead teacher pilot projects shall continue through the 1989-90 fiscal year: Provided, however, that any additional compensation received by an employee as a result of the unit's participation in the pilot program for the 1989-90 fiscal year and for subsequent fiscal years shall be paid as a bonus or supplement to the employee's regular salary.

Funding of these pilot projects shall continue for subsequent fiscal years only if the pilot units successfully submit local school improvement plans pursuant to the Performance-based Accountability Program, during the 1989-90 school year and during subsequent school years.

(b) Beginning with the 1993-94 fiscal ~~year,~~ year and for each year thereafter, the career development ~~and the lead teacher~~ pilot units shall receive ~~only the amount of State funds available for school units participating in a differentiated pay plan pursuant to the School Improvement and Accountability Act of 1989;~~ seven percent (7%) of teacher and administrator salaries and of the employer's contributions for social security and retirement, so long as they participate in differentiated pay plans in accordance with G.S. 115C-238.4; they shall receive no additional State funding as career development pilot ~~units or lead teacher pilot~~ units.

For fiscal years 1990-91 through 1993-94, the provisions of G.S. 115C-363.28 regarding flexible funding continue to apply to the lead teacher pilot units.

(c) The local school improvement plan for each career development pilot program shall include a schedule of modifications to the ~~career development~~ differentiated pay program. This schedule shall result in an incremental reduction or increase, as appropriate, in the amount of funds allocated for differentiated pay so that, for the 1993-94 fiscal year and subsequent fiscal years, the cost of the differentiated pay plan equals (i) seven percent (7%) of teacher and administrator salaries and of the employer's contributions for social security and retirement and (ii) the amount of ~~State and~~ local funds available for differentiated ~~pay for school units participating in differentiated pay plans pursuant to the School Improvement and Accountability Act of 1989.~~ pay.

For the 1990-91 fiscal year, the total amount appropriated for the career development pilot units is $4,693,368 less than it was for the 1989-90 fiscal year. It is the intent of the General Assembly to phase out the amount appropriated for the career development pilot units by reducing the amount appropriated by equal increments over the 1991-92, 1992-93, and 1993-94 fiscal years.

The State Board of Education shall require the pilot units to modify their differentiated pay programs so that the schedules of incremental reductions or increases result in these reductions.

(d) If an employee in a career development pilot unit is recommended for Career Status I or II and that status is approved by the local board of education prior to the beginning of the 1989-90 school year, the local board of education may pay that employee a bonus or supplement to his regular salary. For the 1989-90 fiscal year only, the local board of education may use any State or local funds available to it for the career development pilot program to pay these bonuses or supplements.

(e) Effective at the beginning of the 1989-90 school year, an employee may be considered for Career Status II no earlier than his third year in Career Status I; an employee may be considered for Career Status III no earlier than his third year in Career Status II.

(f) Any career ladder pilot project in a school unit that has resulted from a merger of school units, within the last calendar year preceding the effective date of this act, may be modified by the local school board, upon the recommendation of the State Superintendent of Public Instruction and with the approval of the State Board of Education. ~~This~~ For the 1989-90 fiscal year, this modification shall require no more funds than allocated to the particular project by the State Board of Education from funds appropriated to the State Board of Education in Chapter 500 of the 1989 Session Laws, the Current Operations Appropriations Act of 1989. For the 1990-91 fiscal year through the 1993-94 fiscal year, the merged unit shall receive (i) the amount of funds that was previously allocated to the particular pilot project, reduced by the State Board pursuant to subsection (c) of this section, and (ii) the amount of funds it is entitled to receive pursuant to G.S. 115C-238.4(c)(1), for the portion of the merged unit that did not participate in the pilot project.

(g) No provision of this section shall be construed to allow a local school administrative unit to pay any teacher, in salary and State-funded bonus or supplement, less than it paid that teacher on a monthly basis during the prior school year, so long as the teacher qualifies for a bonus or supplement under the local differentiated pay plan."

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----BASIC EDUCATION FUNDS

Sec. 98. (a) Section 61 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 61. (a) Funds are appropriated in Section 3 of this act to the Department of Public Education for further implementation of the Basic Education Program in public schools. These funds will provide for the fifth and sixth years of the planned eight-year implementation schedule. The following information chart shows the ~~major increases in State funds over the 1988-89 fiscal year.~~ expansion budget funds for the Basic Education Program for 1989-90 totaling $69,277,440 and an additional $44,496,768 in 1990-91 for a total of $113,774,208 in 1990-91.

BASIC EDUCATION PROGRAM

Basic Education Plan:

	1989-90	1990-91	
1. Additional Teachers	$ 46,735,714	~~$ 90,342,391~~	81,220,565
2. Vocational Education Teachers	1,039,116	~~2,078,823~~	1,039,116
3. In-School Suspension	-	~~1,726,921~~	-
4. Instructional Support	15,477,126	~~39,113,549~~	25,489,043
5. Instructional/Lab Clerical Assistants	-	~~17,073,432~~	-
6. Athletic Trainer Supplement	15,000	~~15,000~~	15,000
7. Assistant Principals -Extension of Term	-	~~11,166,375~~	-
8. Asst/Associate Superintendents	-	~~4,767,421~~	-
9. Clerical Assistants	6,010,484	~~11,637,563~~	6,010,484
10. Supervisors	-	~~2,611,375~~	-
TOTAL BASIC EDUCATION PLAN	$ 69,277,440	~~$180,532,850~~	113,774,208

Of these funds, the sum of $12,925,543 for the 1990-91 fiscal year shall be used to reduce class size in grades 10-12.

With regard to the remainder of these funds, local boards of education may request waivers of State laws pertaining to the purposes for which State funds for the public schools may be used, pursuant to G.S. 115C-238.3(d), so as to use these funds for purposes, other than for classroom teachers, to implement the Basic Education Program. The General Assembly urges the State Superintendent and the State Board of Education to construe their authority to grant such waivers under G.S. 115C-238.6 broadly when they consider any such requests for waivers.

(b) The General Assembly urges local school administrative units to use funds available to them to reduce class size in science, mathematics, and language arts classes."

(b) Section 72(f) of Chapter 752 of the 1989 Session Laws reads as rewritten:

"(f) Of the funds appropriated to the Department of Public Education ~~in Section 3 of this act~~ for the 1989-91 fiscal biennium for aid to local school administrative units, the State Board of Education shall use up to $50,000 for the 1989-90 fiscal year and up to $100,000 for the 1990-91 fiscal year for the consortium established by this section. No more than one-half of the monies for the 1989-90 fiscal year or one-fourth of the monies for the 1990-91 fiscal year shall be used for administrative purposes. The remainder shall be used to provide instructional support for the participants under the plan devised by the policy board."

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----COMPLETION OF BASIC EDUCATION PROGRAM

Sec. 99. (a) The General Assembly finds that given the current revenue situation of the State, the original implementation schedule of the Basic Education Program cannot be met and that the recently enacted School Improvement and Accountability Act has moved the State to a student performance orientation that is predicated on school systems using their resources flexibly to address unique local needs. The General Assembly is committed to the improvement of education and to the complete implementation of the strongest possible Basic Education Program; therefore, the Legislative Study Commission on the Basic Education Program is hereby created to advise the General Assembly on ways that the Basic Education Program can be strengthened and on a lengthened implementation schedule for the Basic Education Program.

The Commission shall consist of 23 members: the Superintendent of Public Instruction; the chairman of the State Board of Education; one member of the Senate, one member of the House of Representatives, one school superintendent, one classroom teacher, and three members at large, appointed by the Governor; four members of the Senate, one school principal, one PTA member, and one member at large appointed by the President Pro Tempore of the Senate; and four members of the House of Representatives, one classroom teacher, one school board member, and one member at large, appointed by the Speaker of the House of Representatives.

(b) The President Pro Tempore of the Senate shall designate one of his appointees who is a member of the Senate as cochairman and the Speaker of the House of Representatives shall designate one of his appointees who is a member of the House of Representatives as cochairman. Each chairman shall serve as chairman until he ceases to be a member of the General Assembly.

(c) The Commission shall study the Basic Education Program, how it has been implemented to date, and what effect the Basic Education Program has had on educational achievement throughout the State. The Commission shall also examine the remainder of the schedule of implementation of the Basic Education Program, review all items to be funded under the Basic Education Program, consider the relationship between the Basic Education Program and the School Improvement and Accountability Act, and recommend any changes or modifications to the Basic Education Program and the School Improvement and Accountability Act that it deems appropriate.

(d) The Commission shall submit a report on its activities to the Joint Legislative Education Oversight Commission prior to February 15, 1991. The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before March 31, 1991, by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

(e) The Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of

the cochairmen. The Commission may meet in the State Legislative Building or the Legislative Office Building.

(f) Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5, G.S. 138-6, or G.S. 120-3.1, as appropriate.

(g) The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisor of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Commission.

(h) When a vacancy occurs in the membership of the Commission the vacancy shall be filled by the same appointing officer who made the initial appointment.

(i) All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

Sec. 100. G.S. 115C-81(a) reads as rewritten:

"(a) The State Board of Education shall adopt a Basic Education Program for the public schools of the State. Before it adopts or revises the Basic Education Program, the State Board shall consult with an Advisory Committee, including at least eight members of local boards of education, that the State Board appoints from a list of nominees submitted by the North Carolina School Boards Association. The State Board shall report annually to the General Assembly on any changes it has made in the program in the preceding 12 months and any changes it is considering for the next 12 months.

The State Board shall implement the Basic Education Program within funds appropriated for that purpose by the General Assembly and by units of local government. It is the goal of the General Assembly that the Basic Education Program be fully funded and completely operational in each local school administrative unit by July 1, ~~1993.~~ 1995."

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----TEACHING FELLOWS FUND USES

Sec. 101. (a) G.S. 115C-363.23A(e) reads as rewritten:

"(e) The Commission shall forgive the loan if, within seven years after graduation, the recipient teaches for four years at a North Carolina public school or at a school operated by the United States government in North Carolina. The Commission shall also forgive the loan if it finds that it is impossible for the recipient to teach for four years, within seven years after graduation, at a North Carolina public school or at a school operated by the United States government in North Carolina, because of the death or permanent disability of the recipient."

(b) G.S. 115C-363.23A(f) reads as rewritten:

"(f) All funds appropriated to or otherwise received by the Teaching Fellows Program for scholarships, all funds received as repayment of scholarship loans, and all interest earned on these funds, shall be placed in a revolving fund. This revolving fund ~~may~~ shall be used ~~only~~ for scholarship loans granted under the Teaching Fellows Program. With the prior approval of the General Assembly in the Current Operations Appropriations Act, the revolving fund may also be used for campus and summer program support, and costs related to disbursement of awards and collection of loan repayments."

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----DPI GRANT FUNDS

Sec. 102. G.S. 115C-21(a) reads as rewritten:

"(a) Administrative Duties. -- It shall be the duty of the Superintendent of Public Instruction:

(1) To organize and establish a Department of Public Instruction which shall include such divisions and departments as are necessary for supervision and administration of the public school system, to administer the funds for the operation of the Department of Public Instruction, and to enter into contracts for the operations of the Department of Public Instruction.

(2) To keep the public informed as to the problems and needs of the public schools by constant contact with all school administrators and teachers, by his personal appearance at public gatherings, and by information furnished to the press of the State.

(3) To report biennially to the Governor 30 days prior to each regular session of the General Assembly, such report to include information and statistics of the public schools, with recommendations for their improvement and for such changes in the school law as shall occur to him.

(4) To have printed and distributed such educational bulletins as he shall deem necessary for the professional improvement of teachers and for the cultivation of public sentiment for public education, and to have printed all forms necessary and proper for the administration of the Department of Public Instruction.

(5) To have under his direction, in his capacity as the constitutional head of the public school system, all those matters relating to the supervision and administration of the public school system.

(6) To create a special fund within the Department of Public Instruction to manage funds received as grants from nongovernmental sources in support of public education. The Superintendent may accept grants and gifts from corporations and other sources made in support of public education and may hold and disburse such funds, in accordance with the purposes, conditions, and limitations associated with such grants and gifts. Any special fund created pursuant to this subdivision shall be subject to audit by the State Auditor."

Requested by: Senator Ward, Representative Tart

-----ELIMINATE EDUCATION REPORTS

Sec. 103. (a) G.S. 115C-363.10 is repealed.

(b) Section 55(b)(12)a. of Chapter 479 of the 1985 Session Laws is repealed.

(c) Section 68 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 68. Funds are appropriated to the Department of Public Education for the 1989-91 fiscal biennium for additional teacher positions to be used to expand curricular offerings in accordance with the Basic Education Program. Local boards of education shall use positions allocated to them with these funds to expand curricular offerings to those contained in the Basic Education Program at any grade level and in any of the identified curricular offerings based on the identification of local needs, priorities, and local schedules for implementing the Basic Education Program.

The local board of education may, with the approval of the State Board of Education, use the funds allocated to it for expanded curricular offerings to otherwise provide a curricular offering at that school, as called for in the Basic Education Program. The State Board of Education shall monitor the alternative uses of these ~~funds and shall report on such uses by February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, and the Fiscal Research Division.~~ funds."

Requested by: Senator Ward, Representatives J. Crawford, Tart

-----CHILD NUTRITION STAFF DEVELOPMENT

Sec. 104. Section 56 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 56. Of the funds appropriated to the Department of Public Education for the 1989-90 fiscal year and for the 1990-91 fiscal year for aid to local school administrative units for staff development, the State Board of Education shall allocate $280,000 each fiscal year to local school units for staff development of school food service personnel."

Requested by: Senator Basnight
-----UNIFORM EDUCATION REPORTING SYSTEM FUNDS

Sec. 105. Of the funds available to the Department of Public Education for the 1990-91 fiscal year for aid to local school administrative units, the Department shall use $438,642 to reimburse 13 local school administrative units for expenses incurred in converting to AS/400 equipment as required to implement the Uniform Education Reporting System.

Before providing these funds to any of the 13 local units that request it, the Department of Public Education shall first conduct an electronic data processing audit of the local school administrative unit that is to receive the funds to determine: (i) if the unit had used the previous equipment that was replaced by the AS/400 in a manner consistent with standard data processing management and operational procedures; and (ii) if the unit is using the current equipment in a manner consistent with standard data processing management and operational procedures. The results of the electronic data processing audits shall be delivered to the Fiscal Research Division, the Legislative Automated Systems Division, and, if requested, to the Joint Legislative Commission on Governmental Operations.

Requested by: Senator Taft, Representative Jones
-----LIMIT UNIFORM EDUCATION REPORTING SYSTEM FINES

Sec. 106. G.S. 115C-438 reads as rewritten:

"**§ 115C-438. Provision for disbursement of State money.**

The deposit of money in the State treasury to the credit of local school administrative units shall be made in monthly installments, and additionally as necessary, at such time and in such a manner as may be most convenient for the operation of the public school system. Before an installment is credited, the school finance officer shall certify to the State Board of Education the expenditures to be made by the local school administrative unit from the State Public School Fund during the month. This certification shall be filed on or before the fifth day following the end of the month preceding the period in which the expenditures will be made. The State Board of Education shall determine whether the moneys requisitioned are due the local school administrative unit, and upon determining the amount due, shall cause the requisite amount to be credited to the local school administrative unit. Upon receiving notice from the State Treasurer of the amount placed to the credit of the local school administrative unit, the finance officer may issue State warrants up to the amount so certified.

The State Board of Education may withhold money for payment of salaries for administrative officers of local school administrative units if any report required to be filed with State school authorities is more than 30 days overdue. The State Board of Education shall withhold money for payment of salaries for the superintendent, finance officer, and all other administrative officers charged with providing payroll information pursuant to G.S. 115C-12(18), if the local school administrative unit fails to provide the payroll information to the State Board in a timely fashion and substantially in accordance with the standards set by the State ~~Board.~~ Board; provided, however, the maximum amount withheld from any local school administrative unit shall be twenty-five thousand dollars ($25,000).

Money in the State Public School Fund and State bond moneys shall be released only on warrants drawn on the State Treasurer, signed by such local official as may be required by the State Board of Education."

Requested by: Senator Ward, Representative J. Crawford
-----DIFFERENTIATED PAY FUNDS ALLOCATION

Sec. 107. (a) G.S. 115C-238.4 reads as rewritten:

"**§ 115C-238.4. Differentiated pay.**

(a) Local school administrative units may include, but are not required to include, a differentiated pay plan for certified instructional staff, certified instructional support staff, and certified administrative staff as a part of their local school improvement plans. Units electing to include differentiated pay plans in their school improvement plans shall base their differentiated pay plans on:

(1) The Career Development Pilot Program, G.S. 115C-363 et seq.;
(2) The Lead Teacher Pilot Program, G.S. 115C-363.28 et seq.;
(3) A locally designed school-based performance program, subject to limitations and guidelines adopted by the State Board of Education;
(4) A differentiated pay plan that the State Board of Education finds has been successfully implemented in another state; or
(5) A locally designed plan including any combination or modification of the foregoing plans.

(b) Support among affected staff members is essential to successful implementation of a differentiated pay plan; therefore, a local board of education that decides that a differentiated pay plan should be included in its local school improvement plan shall present a proposed differentiated pay plan to affected staff members for their review and vote. The vote shall be by secret ballot. The local board of education shall include the proposed differentiated pay plan in its local school improvement plan only if the proposed plan has the approval of a majority of the affected paid certificated instructional and instructional support staff and a majority of the affected certificated administrators.

Every three years after a differentiated pay plan receives such approval, the local board of education shall present a proposed plan to continue, discontinue, or modify that differentiated pay plan to affected staff members for their review and vote. The vote shall be by secret ballot. The local board of education shall include the proposed plan in its local school improvement plan only if the proposed plan has the approval of a majority of the affected paid certificated instructional and instructional support staff and a majority of the affected certificated administrators.

(c) Local school administrative units electing to participate in a differentiated pay plan shall receive State funds according to the terms of the plan but not to exceed:

(1) 1990-91: two percent (2%) of teacher and administrator salaries, and the employer's contributions for social security and retirement;
(2) 1991-92: three percent (3%) of teacher and administrator salaries, and the employer's contributions for social security and retirement;
(3) 1992-93: four percent (4%) of teacher and administrator salaries, and the employer's contributions for social security and retirement; ~~and~~
(4) 1993-94 ~~and thereafter: seven percent (7%)~~; five and one-half percent (5 1/2%) of teacher and administrator salaries, and the employer's contributions for social security and ~~retirement.~~ retirement; and
(5) 1994-95 and thereafter: seven percent (7%) of teacher and administrator salaries, and the employer's contributions for social security and retirement.

Any differentiated pay plan developed in accordance with this section shall be implemented within State and local funds available for differentiated pay.

(d) Attainment of the equivalent of Career Status I shall be rewarded through a new salary schedule that provides a salary differential when a certified educator successfully completes his probationary period.

(e) Any additional compensation received by an employee as a result of the unit's participation in the Program shall be paid as a bonus or supplement to the employee's regular salary. If an employee in a participating unit does not receive additional compensation, such failure to receive additional compensation shall not be construed as a demotion, as that term is used in G.S. 115C-325.

Payments of bonuses or supplements shall be made no more frequently than once every calendar quarter: Provided, however, prior to the 1994-95 school year, payments in the career development pilot units may be made on a monthly basis."

(b) Funds appropriated to the Department of Public Education in Section 3 of this act to implement the differentiated pay plans under the School Improvement and Accountability Act of 1989 for the 1990-91 school year shall not revert at the end of the 1990-91 fiscal year but shall remain available for expenditure until all bonuses or supplements for the 1990-91 school year have been paid.

Requested by: Senator Ward, Representative J. Crawford
-----STUDY OF NONCERTIFIED EMPLOYEES' SALARIES

Sec. 108. The State Board of Education and the Superintendent of Public Instruction shall submit a joint report to the 1991 General Assembly on the disposition of the two percent (2%) salary reserve funds for noncertified public school employees established by Section 38(c) of Chapter 752 of the 1989 Session Laws. The report shall address:

(1) Continuing discrepancies between the actual current salaries of noncertified public school employees and the salaries of State employees;
(2) Discrepancies between the actual salaries of noncertified employees and the salary levels recommended for the employees in studies conducted by the State Board of Education during the past 10 years, as adjusted for inflation;
(3) Salaries and numbers of noncertified employees at or below the poverty level, as established by the federal government; and
(4) A long-term, comprehensive plan to upgrade the salaries of noncertified public school employees so as to be consistent with the salaries of comparable State employees, consistent with recommendations contained in studies authorized and funded by the State Board of Education, and to increase the salaries of public school employees above the designated poverty level.

This plan shall make recommendations regarding groups in need of salary increases consistent with the above criteria and should recommend a multiyear plan with a maximum of six years to implement these increases, providing complete cost information.

Requested by: Senator Ward, Representatives Bowen, Tart
-----SAMPSON SCHOOL FUNDS/DEADLINE EXTENDED

Sec. 109. Funds in the amount of $2,000,000 awarded from the Critical School Facility Needs Fund by the Commission on School Facility Needs to the Sampson County Board of Education and the Sampson County Commissioners to construct school facilities as approved by the Commission on School Facility Needs shall remain available to the Sampson County Board of Education and the Sampson County Commissioners until December 1, 1991.

Requested by: Senator Basnight, Representatives Tart, J. Crawford
-----SCHOOL PSYCHOLOGIST SALARY RECLASSIFICATION

Sec. 110. Of the funds appropriated to the Department of Public Education for the 1990-91 fiscal year for aid to local school administrative units, the State Board of Education shall use $800,000 for a salary reclassification for school psychologists. The starting salary for school psychologists shall be Step 5, corresponding to 5 years of experience, on the salary schedule for certified personnel of the public schools who are classified as "G" teachers. Certified psychologists who were employed in the public schools prior to the 1990-91 fiscal year shall be placed on the salary schedule at an appropriate step based on their years of experience.

Requested by: Senator Ward, Representatives J. Crawford, Tart
-----NATIONAL CONFERENCE ON GOVERNORS' SCHOOLS

Sec. 111. Of the funds appropriated to the Department of Public Education for the 1990-91 fiscal year for aid to local school administrative units, the State Board of Education may allocate $20,000 to provide support to conduct the Fourth National Conference on Governors' Schools.

Requested by: Senator Ward, Representatives J. Crawford, Tart
-----NORTH CAROLINA GEOGRAPHIC ALLIANCE NETWORK FUNDS

Sec. 112. Of the funds appropriated to the Department of Public Education for the 1990-91 fiscal year for aid to local school administrative units, the State Board of Education may use up to $50,000 to fund the North Carolina Geographic Alliance Network Program, which is headquartered at East Carolina University. The funds shall be used to:

(1) Increase communication and cooperation between the professional geographic community and the network of Regional Education Centers;
(2) Increase the number of in-service workshops conducted by professional geographers for the Regional Education Centers and local education agencies;
(3) Increase the membership of professional geographers in the North Carolina Council for Social Studies;
(4) Increase the number of professional geographers doing sessions at the annual meetings of the North Carolina Council for Social Studies;
(5) Increase advisory interaction of professional geographers with the North Carolina Board of Education with regard to geography in the curriculum; and
(6) Increase involvement of public school teachers with the North Carolina Geographic Society.

Requested by: Senator Ward, Representatives Jeralds, Tart
-----CLASS SIZE WAIVERS/TEACHER POSITIONS

Sec. 113. The Department of Public Instruction shall monitor and provide a report to the General Assembly by May 1, 1991, and annually thereafter showing the school units that have been granted class size waivers pursuant to G.S. 115C-238.3(d), have reported class size exceptions, and have converted State-funded teacher positions to other positions, dollars, or other expenditures.

Requested by: Senator Chalk, Representatives J. Crawford, Sizemore
-----CITIES-IN-SCHOOLS CONTRACT AUTHORIZATION

Sec. 114. Notwithstanding the provisions of G.S. 143-16.3, the Department of Public Education may contract with the Cities-in-Schools Dropout Prevention programs in North Carolina, to provide technical assistance to local education agencies in coordinating public-private partnerships in dropout prevention programs.

Requested by: Senator Ward, Representative Diamont
-----JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Sec. 115. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 12H.

"Joint Legislative Education Oversight Committee.

"§ 120-70.80. Creation and membership of Joint Legislative Education Committee.

The Joint Legislative Education Committee is established. The Committee consists of 16 members as follows:

(1) Eight members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and
(2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1991 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"§ 120-70.81. Purpose and powers of Committee.

(a) The Joint Legislative Education Oversight Committee shall examine, on a continuing basis, the several educational institutions in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve public education from kindergarten through higher education. In this examination, the Committee shall:

(1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the Department of Community Colleges, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;

(2) Examine, in particular, the Basic Education Plan and the School Improvement and Accountability Act of 1989, to determine whether changes need to be built into the plans, whether implementation schedules need to be restructured, and how to manage the ongoing development of the policies underlying these legislative plans, including a determination of whether there is a need for the legislature to develop ongoing funding patterns for these plans;

(3) Study other states' educational initiatives in public schools, community colleges, and public universities, in order to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

(4) Study any other educational matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"§ 120-70.82. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Education Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical

staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

Requested by: Representatives J. Crawford, Tart
-----PUBLIC SCHOOL TEACHERS/LIABILITY PROTECTION

Sec. 116. Of the funds appropriated to the Department of Public Education for the 1990-91 fiscal year, an amount equal to five dollars ($5.00) for each teacher paid from the General Fund shall be allocated by the State Board of Education to each local school administrative unit to provide comprehensive general liability protection, including coverage for errors and omissions, for teachers employed by the local school administrative unit for the 1990-91 school year.

PART XX.-----DEPARTMENT OF CORRECTION

Requested by: Senator Parnell, Representatives Huffman, Justus
-----LIMIT USE OF OPERATIONAL FUNDS

Sec. 117. Funds appropriated in Section 3 of this act to the Department of Correction for early operational costs for additional facilities shall be used for the personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds may not be expended for any other purpose, and may not be expended for additional prison personnel positions until the new facilities are within 90 days of completion.

Requested by: Senator Parnell, Representative Barnes
-----RAISE PER DIEM REIMBURSEMENT

Sec. 118. Of the funds appropriated to the Department of Correction for the 1990-91 fiscal year, the sum of $604,678 shall be used to raise the per diem reimbursement to counties from twelve dollars and fifty cents ($12.50) per day to fourteen dollars and fifty cents ($14.50) per day for State inmates serving sentences of more than 30 days in local confinement facilities.

Requested by: Senator Parnell, Representative Barnes
-----SOUTHERN APPALACHIA MAINSTREAM FUNDS

Sec. 119. Of the funds appropriated to the Department of Correction, Division of Adult Probation and Parole, for the 1990-91 fiscal year, the sum of $190,000 shall be used as a grant-in-aid for a pilot program at Southern Appalachia Mainstream, Inc., a community-based residential program for offenders who are leaving the Division of Prisons and who are in need of residence plans, community service jobs, and/or social readiness skills. Southern Appalachia Mainstream, Inc., shall provide a quarterly report to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and the effectiveness of the program, including information on the number of clients served and the number of clients who successfully complete the program while residing at Southern Appalachia Mainstream.

Requested by: Senator Basnight
-----GATES COUNTY SCHOOL WASTEWATER TREATMENT

Sec. 120. The wastewater treatment systems of the Gates County Junior High School and the Gates County High School may be tied into the wastewater treatment system of the Gates County Correctional Center.

Requested by: Senator Parnell
-----PRIVATE ALCOHOL AND DRUG ABUSE DETENTION CENTER

Sec. 121. The Department of Correction shall develop a proposal for a pilot program for contracting with the private sector for one or more privately operated, for-profit or not for-profit detention centers for alcohol and drug abusers with an emphasis on the self-help recovery model. The plan should provide for the private construction, operation, and maintenance of a facility or facilities not to exceed a total of

500 beds and should include considerations of size, level of custody, construction and operation costs, and the possible use of existing buildings. The Department shall submit this proposal to the Joint Legislative Commission on Governmental Operations by January 1, 1991.

Requested by: Senator Marvin, Representatives Huffman, Justus, Barnes
-----ROAD CREW PERFORMANCE AUDIT

Sec. 122. The State Auditor shall conduct a performance audit of inmate road crews performing duties contracted for by the Department of Transportation. The audit shall include an examination of work performance, hours worked, and costs. The State Auditor shall report his findings by March 1, 1991, to the Chairmen of the Senate and House Appropriations Committees, the Chairmen of the House Appropriations Subcommittees on Justice and Public Safety, the Chairmen of the Senate Appropriations Committee on Justice and Public Safety, the Chairmen of the House Appropriations Subcommittees on the Highway Fund, and the Joint Legislative Commission on Governmental Operations.

PART XXI.-----JUDICIAL DEPARTMENT

Requested by: Senator Marvin, Representatives Huffman, Justus
-----RESERVE FOR RESENTENCING HEARINGS IN CAPITAL CASES

Sec. 123. (a) There is created in the Judicial Department a nonreverting special fund to be known as "The Special Capital Case Rehearing Fund." The funds shall be used to provide resentencing hearings, related appeals, and post-conviction hearings required by the decisions of the United States Supreme Court in **McKoy v. North Carolina**, March 5, 1990, and of the Supreme Court of North Carolina upon the remand of that case, for the payment of attorneys fees and related expenses for representation of indigent persons as specified in Subchapter IX of Chapter 7A of the General Statutes. The Special Capital Case Rehearing Fund shall terminate, and all funds remaining in it shall revert to the General Fund, when the Director of the Administrative Office of the Courts certifies to the State Controller that all reasonably foreseeable resentencing hearings, related appeals, and post-conviction hearings have been substantially completed.

(b) Of the funds appropriated to the Judicial Department for the 1990-91 fiscal year the sum of $500,000 shall be allocated to The Special Capital Case Rehearing Fund for the purposes indicated in this section.

Requested by: Senator Marvin, Representatives Huffman, Justus
-----EXTEND CERTAIN SPECIAL SUPERIOR COURT JUDGE TERMS

Sec. 124. (a) Notwithstanding G.S. 7A-45, G.S. 7A-45.1, Section 7 of Chapter 509 of the 1987 Session Laws, or any other provision of law, if any special superior court judge who is holding office on the effective date of this act first took office as an appointed or elected regular or special superior court judge in the calendar year 1986, the term of office of that judge is extended through December 31, 1994.

(b) Notwithstanding G.S. 143-23, the Judicial Department may use lapsed salary funds for fiscal year 1990-91, not to exceed the sum of $61,260, to cover the costs of the extended term for the period of January 1, 1991, through June 30, 1991, as provided in subsection (a).

Requested by: Senator Marvin, Representatives Huffman, Justus
-----INCREASED JUDICIAL DEPARTMENT OPERATING EXPENSE REQUIREMENTS

Sec. 125. From the funds appropriated to the Judicial Department for the 1990-91 fiscal year, the Administrative Office of the Courts may use up to $1,530,000 to meet the 1990-91 fiscal year's additional operating expenses in the areas of office, warehouse, and print shop rental, supplies, jury and witness fees, court record book restoration, telephone system repairs, moving-related expenses, indigent person attorney fees, and postage if the postage rate is increased.

Requested by: Senator Marvin, Representatives Holt, Huffman
-----COMPREHENSIVE CHILD SUPPORT ENFORCEMENT STUDY

Sec. 126. Section 28.2(b) of Chapter 795 of the 1989 Session Laws reads as rewritten:

"(b) The Department of Human Resources and the Administrative Office of the Courts shall jointly undertake a comprehensive study of child support enforcement services in North Carolina. The report shall examine the current delivery of all child support services (IV-D and non-IV-D) by the Department of Human Resources, court offices, and county departments of social services. Such a study shall evaluate the efficiency and effectiveness of the current system and make organizational, administrative, and procedural recommendations to optimize effective delivery of service to families. The study shall examine the potential for the delivery of child support enforcement services which would provide equitable treatment of cases regardless of case type.

The study shall examine the organizational and fiscal relationship between State- and county-administered programs with the goal of eliminating or reducing duplication and fragmentation in local IV-D programs and court offices. Proposals for system-wide reform of the program shall take into consideration the use of federal IV-D revenues to support program services. The report shall include the recommendations of the respective agencies, accompanied by estimates of the costs and potential benefits of those recommendations and a plan for the implementation of these proposals. The Department of Human Resources and the Administrative Office of the Courts may contract for outside consultation and assistance with the study with funds from existing resources in their budgets. An interim report shall be submitted to the Legislative Services Office by May 15, 1990, and to the 1989 General Assembly, 1990 Regular Session. A final report shall be submitted to the Legislative Services Office by ~~January 15, 1991,~~ March 15, 1991, and to the 1991 General Assembly."

Requested by: Senator Marvin, Representatives Huffman, Justus
-----CREATE DURHAM COUNTY DEFENDER DISTRICT

Sec. 127. (a) Effective July 1, 1990, a new Defender District 14, consisting of Durham County, is created and an office of public defender for Defender District 14 is established.

(b) Effective July 1, 1990, G.S. 7A-465(a) reads as rewritten:

"(a) The following counties of the State are organized into the defender districts listed below and in each of those defender districts an office of public defender is ~~established effective January 1, 1989:~~ established:

Defender District	Counties
3A	Pitt
3B	Carteret
12	Cumberland
14	Durham
15B	Orange, Chatham
16A	Scotland, Hoke
16B	Robeson
18	Guilford
26	Mecklenburg
27A	Gaston
28	Buncombe

Provided that the effective date of the establishment of the office of public defender in Defender District 16B shall be the date that a superior court judge for Superior Court District 16B, other than the judge holding the judgeship for that district established by Chapter 509, Session Laws of 1987, takes office."

(c) Effective July 1, G.S 7A-466(c) reads as rewritten:

"(c) The terms of the public defenders for Defender Districts 3A, 3B, and 16A shall begin on January 1, 1989. The term of the public defender for defender district 16B shall begin upon the appointment of the initial public defender for that district. The term of the public defender for Defender District 14 shall begin on July 1, 1990."

(d) Notwithstanding any other provision of law to the contrary and for the initial term beginning July 1, 1990, only, the public defender shall be appointed, as soon as practical after the effective date of this act, by the Senior Resident Superior Court Judge for the set of districts, as defined in G.S. 7A-41.1, which consists of Durham County.

(e) Of the funds appropriated to the Indigent Persons' Attorney Fee Fund in the Judicial Department for fiscal year 1990-91, the Administrative Office of the Courts may use up to $759,292 for salaries, benefits, and related expenses for the office of public defender which is established for Defender District 14 effective July 1, 1990.

Requested by: Senator Marvin, Representatives Huffman, Nesbitt
-----RAPE VICTIM WITNESS COUNSELOR PROGRAM

Sec. 128. Section 27.2 of Chapter 795 of the 1989 Session Laws reads as rewritten:

"Sec. 27.2. From the funds specifically appropriated to the Judicial Department in the certified budget for the ~~1989-90~~ 1990-91 fiscal year, the Administrative Office of the Courts may transfer within its budget up to $25,000 to support the existing Rape Victim Witness Counselor Program. If these funds are not used for this purpose, the Administrative Office of the Courts may use them to fund the Custody Mediation Program in Buncombe County."

PART XXII.-----DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senators Parnell, Marvin, Representative Huffman
-----CONTINUE SUMMIT HOUSE FUNDING

Sec. 129. Section 113 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 113. Of the funds appropriated to the Department of Crime Control and Public Safety for the ~~1989-90~~ 1990-91 fiscal year, ~~$75,000~~ $165,000 shall be used to support a pilot program at Summit House, a community-based residential alternative to incarceration for mothers and pregnant women convicted of nonviolent crimes. Summit House shall provide a quarterly report to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House."

Requested by: Senators Parnell, Marvin, Representative Barnes
-----NO REORGANIZATION OF COMMUNITY PENALTIES PROGRAMS

Sec. 130. The Department of Crime Control and Public Safety may not restructure or reorganize the community penalties programs.

Requested by: Senator Marvin, Representative Huffman
-----ELIGIBILITY FOR VICTIMS COMPENSATION FUNDS

Sec. 131. G.S. 15B-11(a), as amended by Chapter 898 of the 1990 Session Laws, reads as rewritten:

"(a) An award of compensation will be denied if:

(1) The claimant fails to file his application for an award within one year after the date of the criminally injurious conduct that caused the injury or death for which he seeks the award;

(2) The economic loss is incurred after one year from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks

the award, except in the case where the victim for whom compensation is sought was 10 years old or younger at the time the injury occurred. In that case an award of compensation will be denied if the economic loss is incurred after two years from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award;

(3) The criminally injurious conduct was not reported to a law enforcement officer or agency within 72 hours of its occurrence, and there was no good cause for the delay;

(4) The award would benefit the ~~offender, his accomplice, a spouse of or a person living in the same household with the offender or his accomplice, or a parent, child, brother, or sister of the offender or his accomplice,~~ offender or his accomplice, unless a determination is made that the interests of justice require that an award be approved in a particular case; or

(5) The criminally injurious conduct occurred while the victim was confined in any State, county, or city prison, correctional, youth services, or juvenile facility, or local confinement facility, or half-way house, group home, or similar facility."

Requested by: Senator Marvin, Representative Huffman

-----COMMUNITY PENALTIES PROGRAMS

Sec. 132. (a) Notwithstanding any other provision of this act or any other provision of law, funds in the amount of $1,439,350 appropriated to the Department of Crime Control and Public Safety are allocated to the programs in the amounts set out in this section. These allocations are in lieu of the allocations made in Chapter 8 of the 1989 Session Laws and Chapter 500 of the 1989 Session Laws:

(1) $1,201,700 to be allocated as listed below among the existing community penalties programs. Contracts for the programs listed below shall be executed by the Department of Crime Control and Public Safety no later than one week after **sine die** adjournment of the 1989 Regular Session of the General Assembly.

One Step Further, Inc.	$130,090
Rockingham/Caswell (Rural Services Contract)	40,900
Fayetteville Area Sentencing Center, Inc.	126,845
Re-Entry, Inc.	93,500
Repay, Inc.	96,225
Community Corrections Resources, Inc.	96,225
Western Carolinians for Criminal Justice, Inc.	96,335
Prison & Jail Project, Inc.	96,335
Community Penalties Program, Inc.	65,610
Jacksonville Community Penalties, Inc.	77,290
Gaston Community Penalties, Inc.	51,615
Dispute Settlement Center, Inc.	51,615
Appropriate Punishment Option, Inc.	51,615
Mecklenburg Community Corrections	93,500
Neuse River Community Penalties Program	34,000

(2) $117,700 to cover administrative costs.

(b) The remaining funds in the amount of $119,150 appropriated to the Department of Crime Control and Public Safety for the community penalties programs for the 1990-91 fiscal year shall be held in a reserve until December 1, 1990, to allow the completion of an operational audit of the community penalties programs by the State Auditor. The funds shall be released from the reserve on December 1, 1990. The State Auditor shall conduct an operational audit of the community penalties programs that shall include an evaluation of the administration of the funding by the Department of Crime Control and Public Safety for community penalties programs and the Department's management of those programs, an evaluation of each local community

penalties program, and an evaluation of the use made by each judicial district of the community penalties program. The State Auditor shall complete the operational audit and report his findings and recommendations to the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Committees on Justice and Public Safety, and the Fiscal Research Division by December 1, 1990.

(c) When the funds are expended from the reserve, the funds shall be allocated as follows; provided however, that any program found by the State Auditor not to be in substantial compliance with the program responsibilities as stated in Part 6 of Article 11 of Chapter 143B of the General Statutes may not receive additional funds:

(1) $50,878 to continue expansion for 11 community penalties programs as follows:

One Step Further, Inc.	$ 9,574
Fayetteville Area Sentencing Center, Inc.	5,033
Repay, Inc.	3,820
Community Corrections Resources, Inc.	3,820
Western Carolinians for Criminal Justice, Inc.	3,965
Prison & Jail Project, Inc.	3,965
Community Penalties Program, Inc.	2,603
Jacksonville Community Penalties, Inc.	11,960
Gaston Community Penalties, Inc.	2,046
Dispute Settlement Center, Inc.	2,046
Appropriate Punishment Option, Inc.	2,046;

(2) $11,668 to establish a new community penalties program to be located in the 16thB Superior Court Division to begin March 1, 1991;

(3) $14,585 to establish a new community penalties program to be located in the Third Superior Court Division to begin February 1, 1991;

(4) $14,585 to establish a new community penalties program to be located in Nash County to begin February 1, 1991;

(5) $15,000 to provide contractual services to Sampson, Duplin, and Jones Counties through Jacksonville Community Penalties, Inc., to begin March 1, 1991;

(6) $8,900 to provide contractual services to Cleveland and Lincoln Counties through Gaston Community Penalties, Inc., to begin March 1, 1991;

(7) $4,334 may be used to expand further existing programs found to be in compliance with Part 6 of Article 11 of Chapter 143B of the General Statutes and new programs authorized by this act.

Requested by: Senator Basnight

-----HIGHWAY PATROL POSITIONS FILLED ONLY IN FISCAL YEAR IN WHICH THEY OCCUR

Sec. 133. G.S. 20-185 is amended by adding a new subsection to read:

"(j) Positions in the Highway Patrol Division approved by the General Assembly in the first fiscal year of a biennium to be added in the second fiscal year of a biennium may not be filled before adjustments to the budget for the second fiscal year of the budget are enacted by the General Assembly. If a position to be added in the Highway Patrol Division for the second fiscal year of the biennium requires training, no applicant may be trained to fill the position until the budget adjustments for the second fiscal year are enacted by the General Assembly."

Requested by: Senator Marvin, Representative Huffman

-----LAW ENFORCEMENT DRIVING TRACK FUNDS

Sec. 134. Section 27 of Chapter 754 of the 1989 Session Laws reads as rewritten:

"Sec. 27. Of the unexpended funds appropriated for the 1987-88 fiscal year to the Department of Crime Control and Public Safety in Section 5 of Chapter 795 of the 1987 Session Laws for the law enforcement precision driving track, $239,400 shall be

used for the construction of a ~~control tower.~~ support building that houses a control tower, classroom facilities, and maintenance bays to be located at the driving track."

PART XXIII.-----DEPARTMENT OF JUSTICE

Requested by: Senator Marvin, Representatives Huffman, Justus
-----STATE BUREAU OF INVESTIGATION SALARY ADJUSTMENT

Sec. 135. Sec. 24 of Chapter 799 of the 1989 Session Laws reads as rewritten:

"Sec. 24. The State Bureau of Investigation may continue in fiscal year ~~1989-90~~ 1990-91 to pay overtime compensation for 25 supervisory personnel positions as is being done on June 30, ~~1989,~~ 1990, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual. The Office of State Personnel has reported its findings and recommendations regarding the issue of overtime compensation for State Bureau of Investigation supervisory personnel to the Senate and House Appropriations Committees on Justice and Public Safety and the Fiscal Research Division. The State Bureau of Investigation shall review and respond to those recommendations and shall provide its written response to the Office of State Personnel, the Senate and House Appropriations Committees on Justice and Public Safety and the Fiscal Research Division by October 31, 1990. The Office of State Personnel shall continue to study the issue of overtime compensation for State Bureau of Investigation supervisory personnel and shall make its final recommendations to the Senate and House Appropriations Committee on Justice and Public Safety and the Fiscal Research Division by ~~April 15, 1990~~ December 15, 1990 as to whether such compensation should continue."

Requested by: Senators Marvin, Parnell, Representatives Justus, Huffman
-----MOBIL PLAN RESPONSE PROJECT

Sec. 136. Of the funds appropriated to the Department of Justice, the sum of $155,259 for the 1990-91 fiscal year may be used to provide continued support for the staff in the Environmental Protection Section to provide legal services for the Mobil Plan Response Project.

Requested by: Senator Marvin, Representatives Anderson, Huffman
-----USE LAPSED SALARIES FOR SBI CONTRACTUAL POSITIONS

Sec. 137. Notwithstanding G.S. 143-23(a1), the Department of Justice may use lapsed salary funds for the 1990-91 fiscal year to fund three contractual positions in the State Bureau of Investigation. Those three positions are a forensic analysis lab position and two business communication specialist positions. The Department of Justice is directed to request these positions as permanent positions for the 1991-92 fiscal year if the positions continue to be needed.

PART XXIV.-----DEPARTMENT OF TRANSPORTATION

Requested by: Senator Basnight
-----FILL CERTAIN HIGHWAY FUND COMPUTER POSITIONS

Sec. 138. Positions authorized by the General Assembly in Chapter 752 of the 1989 Session Laws, funded by the Highway Fund, for the transportation computing center to reorganize and expand the information processing services, shall be filled during the 1990-91 fiscal year.

Requested by: Senator Martin of Pitt, Representative Diamont
-----MAINTENANCE OF STATE HIGHWAY BRIDGES

Sec. 139. G.S. 136-97(b) reads as rewritten:

"(b) The Department of Transportation, as part of maintaining the highways, bridges, and watercourses of this State, shall haul all debris removed from on, under, or around a bridge to an appropriate disposal site for solid waste, where the debris shall be disposed of in accordance with law. This requirement may be waived when

bridge closure has an adverse impact on public safety or creates a significant hardship to the traveling public by restricting all access or necessitating a significant detour. In these instances, the minimum amount of debris which must be removed to restore service may be passed downstream."

Requested by: Senator Martin of Pitt, Representatives McLaughlin, Woodard
-----CASH FLOW HIGHWAY FUND APPROPRIATIONS

Sec. 140. Section 48 of Chapter 500 of the 1989 Session Laws reads as rewritten:

"Sec. 48. The General Assembly authorizes and certifies anticipated revenues of the Highway Fund as follows:

For Fiscal Year 1991-92	~~$ 981,100,000~~	$954,000,000
For Fiscal Year 1992-93	~~$1,005,000,000~~	$973,080,000."

Requested by: Senator Martin of Pitt, Representatives McLaughlin, Woodard
-----CASH FLOW HIGHWAY TRUST FUND APPROPRIATION

Sec. 141. Section 22 of Chapter 799 of the 1989 Session Laws reads as rewritten:

"Sec. 22. The General Assembly authorizes and certifies anticipated revenues of the North Carolina Highway Trust Fund as follows:

For fiscal year 1991-92	~~$734,800,000~~	$539,700,000
For fiscal year 1992-93	~~$756,700,000~~	$555,900,000."

Requested by: Senator Martin of Pitt, Representative McLaughlin
-----SPECIAL APPROPRIATIONS FOR HIGHWAYS REPEALED

Sec. 142. Section 98 of Chapter 753 of the 1989 Session Laws is repealed.

Requested by: Senator Hunt, Representative Michaux
-----CONFORM DOT MINORITY PARTICIPATION TO FEDERAL REGULATIONS

Sec. 143. (a) G.S. 136-28.4 reads as rewritten:

"**§ 136-28.4. State policy concerning participation by ~~minority contractors.~~ disadvantaged businesses in highway contracts.**

(a) It is the policy of this State to encourage and promote ~~the use of minority contractors in the construction, alteration and maintenance of State roads, streets, highways, and bridges~~ participation by disadvantaged businesses in contracts let by the Department pursuant to this Chapter for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for ~~such~~ these projects. All State agencies, ~~institutions~~ institutions, and political subdivisions shall cooperate with the Department of Transportation and all other State agencies, ~~institutions~~ institutions, and political subdivisions in efforts to encourage and promote the use of ~~minority contractors~~ disadvantaged businesses in ~~such State construction, alteration, maintenance and procurement.~~ these contracts.

(b) A ten percent (10%) goal is established for participation by minority businesses ~~in road or bridge construction, alteration, or maintenance projects~~ and a five percent (5%) goal for participation by women businesses is established in contracts let by the Department of Transportation for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and for the procurement of materials for these projects. ~~is established.~~ The Department of Transportation shall endeavor to award to minority businesses at least ten percent (10%), by value, of the contracts it lets for ~~the construction, alteration, or maintenance of roads and bridges.~~ these purposes, and shall endeavor to award to women businesses at least five percent (5%), by value, of the contracts it lets for these purposes. The Department shall adopt written procedures specifying the steps it will take to achieve ~~this goal, provided that the~~ these goals. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

(c) ~~As used in this section, the term 'minority'~~ The following definitions apply in this section:

(1) 'Disadvantaged business' has the same meaning as in 49 C.F.R. § 23.62.

(2) 'Minority' has the same meaning as in 49 C.F.R. § 23.5."

(b) The Department of Transportation shall compile and keep current a list of all disadvantaged, minority, and women businesses in the State that could participate in contracts let by the Department, and shall adopt a plan for actively seeking participation by disadvantaged, minority, and women businesses pursuant to the State policy set forth in G.S. 136-28.4. The Department shall report to the Joint Legislative Highway Oversight Committee on the details of this plan and keep the Committee informed of its progress in meeting the goals established in G.S. 136-28.4.

Requested by: Senator Martin of Pitt, Representative Diamont

-----DRIVER TRAINING PROGRAM FUNDING FROM HIGHWAY FUND WITH REIMBURSEMENT TO HIGHWAY FUND FROM HIGHWAY TRUST FUND

Sec. 144. (a) Notwithstanding G.S. 20-88.1, all expenses incurred by the State in carrying out the Driver's Training and Education Program up to seventeen million dollars ($17,000,000) for the 1990-91 fiscal year shall be paid out of the Highway Fund. The Department of Transportation shall transfer from the Highway Fund to the State Treasurer the sum of $17,000,000 to be deposited as nontax revenue to partially offset the cost of the Driver Education Program. The State Board of Education may use funds appropriated to the Department of Public Education for aid to local school administrative units if additional funds are required to operate this program.

(b) Section 4.3 of Chapter 692 of the 1989 Session Laws is repealed.

(c) Nothwithstanding G.S. 105-187.9, in fiscal year 1990-91, the State Treasurer shall transfer the sum of three hundred fifty-six million dollars ($356,000,000) of highway use tax revenue deposited in the Highway Trust Fund under G.S. 105-187.9, including revenue designated as highway use tax revenue by an act of the General Assembly, from the Highway Trust Fund to other Funds in accordance with this subsection. The Treasurer shall transfer the first two hundred sixty-four million dollars ($264,000,000) of highway use tax revenue from the Highway Trust Fund to the General Fund. The Treasurer shall transfer the next seventeen million dollars ($17,000,000) of highway use tax revenue from the Highway Trust Fund to the Highway Fund to reimburse it for funding driver education under G.S. 20-88.1. The Treasurer shall transfer the next seventy-five million dollars ($75,000,000) of highway use tax revenue from the Highway Trust Fund to the General Fund. The transfers made by this subsection are in lieu of the transfer otherwise required by G.S. 105-187.9.

Requested by: Senator Goldston, Representative McLaughlin

-----LRC STUDY ON DRIVERS' EDUCATION

Sec. 145. The Legislative Research Commission may study the cost, funding, and use of personnel in providing a Drivers' Education Program to the State's public school students with a view to promoting the program's efficiency, modifying its funding as appropriate, and, if possible, reducing its cost. The Commission may report the findings and recommendations of its study to the 1991 General Assembly.

PART XXV.-----MISCELLANEOUS PROVISIONS

Requested by: Senator Royall

-----AUTISM SOCIETY FUNDS

Sec. 146. Of the funds appropriated from the General Fund for the 1990-91 fiscal year, $345,960 shall be allocated to the Autism Society of North Carolina, Inc., to continue the State grant for operations and for stipends for the autistic children's and adults' summer camp.

Requested by: Senator Royall, Representative Diamont

-----EXECUTIVE BUDGET ACT APPLIES

Sec. 147. The provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Senator Royall, Representative Diamont
-----COMMITTEE REPORT

Sec. 148. The Conferee Report on Proposed Conference Committee Substitute for Senate Bill 1426, dated July 26, 1990, which was distributed in the Senate and the House of Representatives and used to explain this act, shall indicate action by the General Assembly on this act and shall therefore be used to construe this act, as provided in G.S. 143-15 of the Executive Budget Act, and for such purposes shall be considered a part of this act.

Requested by: Senator Royall, Representative Diamont
-----MOST TEXT APPLIES ONLY TO 1990-91

Sec. 149. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1990-91 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1990-91 fiscal year.

Requested by: Senator Royall, Representative Diamont
-----1989-90 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 150. Except where expressly repealed or amended by this act, the provisions of Chapters 500, 752, 754, 795, and 799 of the 1989 Session Laws as amended remain in effect.

Sec. 151. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1990-91 fiscal year in Chapters 500, 752, 754, 795, and 799 of the 1989 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes.

Requested by: Senator Royall, Representative Diamont
-----EFFECT OF HEADINGS

Sec. 152. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Senator Royall, Representative Diamont
-----SEVERABILITY CLAUSE

Sec. 153. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Senator Royall, Representative Diamont
-----EFFECTIVE DATE

Sec. 154. Except as otherwise provided, this act shall become effective July 1, 1990.

(Pursuant to G.S. 143-15, see Addendum for the text of the attached documents being the Conferee Report on Proposed Conference Committee Substitute for Senate Bill 1426 and Items for Conference Committee Difference Only 1990-91.)

Without objection, on motion of Senator Royall, the Conference Report is temporarily displaced.

July 27, 1990

WITHDRAWAL FROM COMMITTEE

H.B. 1314, a bill to authorize flexible compensation plans for State agency employees, university employees, community college employees, and public school employees.

On motion of Senator Odom, the rules are suspended and the bill is taken from the **State Personnel Committee** and is placed at the end of today's Calendar.

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **State Government Committee**:

H.B. 2349 (Committee Substitute), a bill to create an interagency task force to review the desirability of establishing a statewide defensive driving-citation dismissal program, with a favorable report.

On motion of Senator Sherron, the rules are suspended and the Committee Substitute bill is placed on today's Calendar after recess.

The Chair declares the Senate in recess until 4:15 P.M. for the purpose of committee meetings.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate and referred to committee, as follows: (See Appendix)

Executive Order No. 122, Establishing the Governor's Council of Fiscal Advisors.

Referred to **State Government Committee**.

Executive Order No. 123, Uniform Floodplain Management Policy.

Referred to **State Government Committee**.

CONFERENCE REPORT

S.B. 1426 (House Committee Substitute), a bill to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other changes in the budget operation of the State, temporarily displaced earlier, for adoption.

On motion of Senator Royall, the Conference Report is adopted (42-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 423 (House Committee Substitute), a bill to provide for confidentiality of the proceedings of quality assurance committees in mental health, mental retardation, and substance abuse facilities.

On motion of Senator Martin of Guilford the rules are suspended and the House Committee Substitute bill is taken from the **Human Resources Committee** and is placed before the Senate for immediate consideration, upon concurrence.

The Senate concurs in the measure (39-0) and the House Committee Substitute bill is ordered enrolled.

CONFERENCE REPORT

H.B. 1269 (Senate Committee Substitute)

Senator Sands for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 1269** (Senate Committee Substitute), a bill to provide that court orders and written agreements regarding medical support for minor children are valid authorization to insurers to release information and process claims and to provide for review of the presumptive child support guidelines, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, the Conferees appointed to consider and resolve the difference between the two bodies with respect to H.B. No. 1269 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COURT ORDERS AND WRITTEN AGREEMENTS REGARDING MEDICAL SUPPORT FOR MINOR CHILDREN ARE VALID AUTHORIZATION TO INSURERS TO RELEASE INFORMATION AND PROCESS CLAIMS AND TO PROVIDE FOR REVIEW OF THE PRESUMPTIVE CHILD SUPPORT GUIDELINES, respectfully report that we have conferred and agreed as follows:

To amend the bill on page 2, line 20 and 21, by deleting "written motion filed by either party at least ten days prior to a hearing on child support"

and substituting in lieu thereof the following:
"request of any party"

And, to this end, we the said Conferees, recommend that the House of Representatives and the Senate adopt this Conference Report.

S/Sands	S/Sharon Thompson
S/George Daniel	S/Joe Hackney
S/Connie Wilson	S/Theresa H. Esposito
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Sands, the Senate adopts the Conference Report (40-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 1314, a bill to authorize flexible compensation plans for State agency employees, university employees, community college employees, and public school employees.

The bill passes its second (38-1) and third readings and is ordered enrolled.

H.B. 2349 (Committee Substitute), a bill to create an interagency task force to review the desirability of establishing a statewide defensive driving-citation dismissal program.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered enrolled.

REQUEST TO SEND BY SPECIAL MESSENGER

H.B. 2257 (Senate Committee Substitute), a bill to increase various fees and create new fees charged by the Department of Insurance; to amend the retaliatory premium tax law; to create, maintain, and appropriate money to the Department of Insurance Consumer Protection Fund; and to improve the financial stability of the State Property Fire Insurance Fund.

Without objection, on motion of Senator Parnell, the Senate Committee Substitute bill, ordered sent to the House of Representatives earlier today, is ordered sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1416 (Committee Substitute), an act to appoint persons to various boards and commissions upon the recommendation of the President of the Senate. (Ch. 1048)

S.B. 1448, an act to allow Cherokee County to establish a county recreation and security service district, and levy a tax in that district for services of the district, subject to a referendum. (Ch. 1049)

H.B. 603 (Senate Committee Substitute), an act to allow certain interstate motor carriers to file annual fuel use tax reports and to allow certain users of diesel fuel to file annual rather than quarterly reports. (Ch. 1050)

H.B. 2263 (Committee Substitute), an act to require reporting to the Department of Administration of participation by disadvantaged businesses in public procurement contracts and to require the Department to collect, compile, and report the data; and to clarify the public bidding law for single-prime and separate-prime competitive bids. (Ch. 1051)

H.B. 2391 (Committee Substitute), an act to increase the maximum fine for parking in a handicapped parking space and to require signs designating handicapped parking spaces to state the penalty for parking in the space in violation of the law. (Ch. 1052)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 498 (Committee Substitute), a bill to improve the laws relating to the reporting and investigation of insurance fraud and the financial condition of insurance licensees; the laws relating to embezzlement by agents and brokers and the reporting thereof; and the laws relating to false statements by persons in the business of insurance, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 498** (House Committee Substitute), a bill to improve the laws relating to the reporting and investigation of insurance fraud and the financial condition of insurance licensees, the laws relating to fraudulent insurance claims, the laws relating to embezzlement and the reporting thereof, and the laws relating to false statements by persons in the business of insurance; and to provide for the completion of fire incident reports by fire departments and the availability of such reports to insurance companies.

On motion of Senator Johnson of Cabarrus, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in the measure (40-0) and the House Committee Substitute bill is ordered enrolled.

CALENDAR (Continued)

H.B. 650 (Committee Substitute), a bill to require that minors under eighteen have a drug free record to obtain a drivers license, ordered placed on the Calendar for July 28, as amended, upon third reading.

Senator Daniel withdraws his objection to third reading and with unanimous consent, the Committee Substitute bill, as amended, is withdrawn from the Calendar of July 28 and is placed before the Senate for further consideration, upon its third reading.

On motion of Senator Daniel, the Committee Substitute bill, as amended, is recommitted to the **Judiciary I Committee**.

On motion of Senator Barnes, seconded by Senator Wilson, the Senate adjourns at 5:25 P.M. to meet tomorrow, July 28, at 11:00 A.M.

ONE HUNDRED SEVENTIETH DAY

SENATE CHAMBER,
Saturday, July 28, 1990.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

As we pray, please remember Senator Bob Swain who would, if he could, be here, in this Body, today.

"Father, one saying that has been considered gospel in the world of politics is 'timing is everything.' It is not surprising then, in Your Word, we find these words:

'There is a time for everything, and a season for every
activity under heaven;
'A time to plant and a time to uproot;
'A time to embrace and a time to refrain from embracing;
'A time to be silent and a time to speak;
'A time for war and a time for peace.'

"As these legislators go today from this place, grant them peace of mind, and a knowledge that what they have planted here is good fruit that will sustain the people of this State. May North Carolina prosper because of the actions of this Body.

"Father, we also thank You for the ability to embrace each other as friends and colleagues as we have worked side by side these many months. Help us now to forgive wounds that have been inflicted, and remind us that any accomplishment achieved at the expense of others, in the long run, is an empty accomplishment.

"Wisdom, that mysterious blend of knowledge, experience, and insight, teaches us when to speak, when to listen, when to debate, when to agree, and most of all, when to act. Remind us that wisdom is easily distinguished from knowledge alone. Wisdom, unlike knowledge, is action oriented; wisdom is reverence for God and service to the people in our lives. May we always live our lives from the foundation of wisdom, which You promise to all who ask.

"Finally, as these servants of North Carolina come to the end of a long journey, help them to set aside at least for a long time, those things that divide them. Instead

of Democrat, Republican, male, female, black, white, allow them instead to see a fellow traveler on the road, a human being, a child of God.

"For these days that have been filled to the brim, for these people who have labored long in the service of others, for relationships created here, and for the work that has enhanced this great State of North Carolina, we offer to You our thanks. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senator Swain and Senator Richardson.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 423 (House Committee Substitute), an act to provide for confidentiality of the proceedings of quality assurance committees in mental health, mental retardation, and substance abuse facilities. (Ch. 1053)

S.B. 498 (House Committee Substitute), an act to improve the laws relating to the reporting and investigation of insurance fraud and the financial condition of insurance licensees, the laws relating to fraudulent insurance claims, the laws relating to embezzlement and the reporting thereof, and the laws relating to false statements by persons in the business of insurance; and to provide for the completion of fire incident reports by fire departments and the availability of such reports to insurance companies. (Ch. 1054)

S.B. 1412 (Committee Substitute), an act to provide for registration of and reporting by multiple employer welfare arrangements and to amend the financial responsibility requirements for health plan administrators. (Ch. 1055)

S.B. 1450, an act relating to the manner of filling vacancies in the Office of Register of Deeds of Ashe, Surry, Watauga, and Gaston Counties. (Ch. 1056)

S.B. 1575 (Committee Substitute), an act to increase the fee for filing a corporation's annual report with the Secretary of State. (Ch. 1057)

S.B. 1615 (House Committee Substitute), an act to amend the exceptional children's appeals process, to preserve federal funds, and to save the State replacement funds. (Ch. 1058)

H.B. 1314, an act to authorize flexible compensation plans for State agency employees, university employees, community college employees, and public school employees. (Ch. 1059)

H.B. 2117 (Committee Substitute), an act to provide that food sold by religious organizations is exempt from tax. (Ch. 1060)

H.B. 2128 (Senate Committee Substitute), an act to require consent of the County Boards of Commissioners in several named counties before land in those counties may be condemned or acquired by a unit of local government outside the county. (Ch. 1061)

H.B. 2213 (Committee Substitute), an act to instruct the Infrastructure Study Commission to study further the appropriate financing of local stormwater utilities and to authorize funding of dispute resolution programs. (Ch. 1062)

H.B. 2235, an act to permit Nash County to appropriate additional funds for industrial development. (Ch. 1063)

H.B. 2341 (Committee Substitute No. 2), an act to support public health programs and activities through an annual fee for food and lodging facilities. (Ch. 1064)

H.B. 2349 (Committee Substitute), an act to create an interagency task force to review the desirability of establishing a statewide defensive driving-citation dismissal program. (Ch. 1065)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1426
House Committee Substitute

House of Representatives
July 27, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the House Comm. Sub. to SB No. 1426, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1990-91 FISCAL YEAR AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The bill as rewritten by the Conference Committee is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 296 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to allocate funds therefor.

The Committee Substitute bill is read and on motion of Senator Odom, the rules are suspended, without objection, and the measure is placed before the Senate for immediate consideration, and subsequently is ordered temporarily displaced.

CONFERENCE REPORT

H.B. 2284 (Senate Committee Substitute)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 2284** (Senate Committee Substitute), a bill to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for House Bill

2284, Fourth Edition, A BILL TO BE ENTITLED AN ACT TO CREATE A SENTENCING AND POLICY ADVISORY COMMISSION AND TO ESTABLISH A UNIFORM STANDARD FOR THE DEVELOPMENT OF CRIMINAL JUSTICE POLICY, wish to report as follows: The House concurs in the Senate Committee Substitute (Fourth Edition) with the following amendments:

on page 2, line 2, by deleting the number "22" and substituting the number "23";

and on page 3, line 8, by replacing the period with a semicolon;

and on page 3, lines 8-9, by inserting between those lines the following:

"(23) The Governor shall appoint the member of the North Carolina Bar Association that is recommended by the President of that organization.";

and on page 6, lines 13-14, by inserting between those lines the following:

"(16) Study the costs and consequences of criminal behavior in North Carolina and consider the value of preventing crimes by using incarceration to deter both prospective criminals and convicted criminals from future crimes."

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July 1990.

S/Fountain Odom	S/Anne C. Barnes
S/David Parnell	S/Roy Cooper
S/Helen Marvin	S/Johnathan Rhyne
S/Austin Allran	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Odom, the Conference Report is adopted (38-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 917 (House Committee Substitute)

Senator Block for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 917** (House Committee Substitute), a bill to require proper treatment and disposal of sewage and other waste from chemical and portable toilets, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 917, Fourth Edition Engrossed, A BILL TO BE ENTITLED AN ACT TO REQUIRE PROPER TREATMENT AND DISPOSAL OF SEWAGE AND OTHER WASTE FROM CHEMICAL AND PORTABLE TOILETS, wish to report as follows:

The Senate concurs in the House Committee Substitute, Fourth Edition Engrossed, with an amendment as follows:

Delete the entire House Committee Substitute, Fourth Edition Engrossed, and substitute the attached proposed Conference Committee Substitute PCCS6738-RT-002.
The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/Lura Tally	S/Joe Hackney
S/James C. Johnson, Jr.	S/James M. Craven
S/Thomas F. Taft	
S/Frank Block	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The text of the attached Proposed Conference Committee Substitute PCCS6738-RT-002 is as follows:

A BILL TO BE ENTITLED AN ACT TO REQUIRE PROPER TREATMENT AND DISPOSAL OF SEWAGE AND OTHER WASTE FROM CHEMICAL AND PORTABLE TOILETS AND TO CLEAN UP VARIOUS TECHNICAL ERRORS IN THE GENERAL STATUTES AND THE SESSION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-29(c) as amended by Section 50 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, reads as rewritten:

"(c) The Commission shall adopt rules:

(1) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1022, s. 5.

(2) Establishing standards for approving sewage-treatment devices and holding tanks for marine toilets as provided in G.S. 75A-6(o);

(3) Establishing specifications for sanitary privies for schools where water-carried sewage facilities are unavailable as provided in G.S. 115C-522;

(4) Establishing requirements for the sanitation of local confinement facilities as provided in Part 2 of Article 10 of Chapter 153A of the General Statutes; and

(5) ~~Governing environmental impact statements and information required in applications to determine eligibility for water supply systems under the provisions of the North Carolina Clean Water Bond Act of 1977, Chapter 677 of the 1977 Session Laws.~~

(6) Requiring proper treatment and disposal of sewage and other waste from chemical and portable toilets."

Sec. 2. G.S. 130A-335 is amended by adding a new subsection to read:

"(h) It shall be unlawful to discharge sewage or other waste from chemical or portable toilets used for human waste at places of public assembly, construction sites, or labor camps except into a sanitary sewage system which has been approved by the Department."

Sec. 3. G.S. 162A-7(c1), as amended by Section 44 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, reads as rewritten:

"(c1) ~~Upon~~ Based upon the considerations set out ~~is~~ in subsection (c) of this section, the Commission may grant its certificate in whole or in part or it may refuse the same."

Sec. 4. Notwithstanding Section 59 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, Sections 1, 2, and 36 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, and the amendments to G.S. 113-28.23, recodified as G.S. 108B-23, made by Section 35 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, are effective 1 July 1989. Section 33 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, applies to this section and the sections of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, referred to in this section.

Sec. 5. Notwithstanding Section 59 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, Section 47 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, is effective 11 July 1990.

Sec. 6. G.S. 143-215.6(a)(6), as enacted by Section 1 of Chapter 951 of the 1989 Session Laws, 1990 Regular Session, is recodified as G.S. 143-215.6A(i).

G.S. 143-215.6A as enacted by Section 2 of Chapter 951 of the 1989 Session Laws, 1990 Regular Session, is recodified as G.S. 143-215.6D.

Sec. 7. G.S. 143B-181.9A(d)(1), as amended by Section 57 of Chapter 1004 of the 1989 Session Laws, 1990 Regular Session, reads as rewritten:

"(1) One member each appointed by the Secretary of the Department of Human Resources from the Divisions of Aging, of Medical Assistance, of Mental Health, ~~Mental Retardation,~~ Developmental Dissabilities, and Substance Abuse Services, of Social Services, and one director of an area agency on aging elected from among all the directors of the area agencies on aging. One member appointed by the Secretary of Environment, Health, and Natural ~~Resources from the Division of Health Services.~~ Resources."

Sec. 8. The catch line to G.S. 143-215.88A, as set out in Section 7 of Chapter 1045 of the 1989 Session Laws, 1990 Regular Session, reads as rewritten:

"§ ~~143.215.88A.~~ 143-215.88A. Enforcement procedures: civil penalties."

Sec. 9. This act is effective upon ratification.

On motion of Senator Block, the Conference Report which changes the title upon a like action by the House of Representatives, is adopted (40-0). A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H.B. 296 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to allocate funds therefor, temporarily displaced earlier.

Senator Odom offers Amendment No. 1.

Without objection, on motion of Senator Barnes, the Committee Substitute bill is temporarily displaced, with Amendment No. 1 pending.

REPORTS OF COMMITTEES

The following standing committee report is submitted, read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H.B. 2070 (Committee Substitute), a bill to make technical changes to the Revenue Laws, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 2070** (Senate Committee Substitute), a bill to make technical changes in the Revenue Laws and to make other changes in the law, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate Committee Substitute bill is adopted and on his further motion is placed at the end of today's Calendar.

WITHDRAWAL FROM COMMITTEE

S.B. 774 (House Committee Substitute), a bill to limit the liability of directors, officers, and employees of medical services corporations.

On motion of Senator Sands, the rules are suspended, and the House Committee Substitute bill is taken from the **Judiciary II Committee** and is placed on the Calendar for today for concurrence in the House Committee Substitute bill.

CALENDAR (Continued)

S.B. 439 (House Committee Substitute), a bill to allow the Town of Richfield to collect utility bills as if they were taxes due the Town, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, and Wilson—41.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1588 (House Committee Substitute), a bill to simplify the privilege license tax on restaurants, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Johnson of Cabarrus, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, and Wilson—40.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 2070 (Senate Committee Substitute), a bill to make technical changes in the Revenue Laws and to make other changes in the law.

Without objection, on motion of Senator Goldston, the Senate Committee Substitute bill is temporarily displaced.

H.B. 296 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to allocate funds therefor, temporarily displaced earlier, with Amendment No. 1 pending.

Without objection, on motion of Senator Odom, Amendment No. 1 is withdrawn.

Senator Martin of Guilford offers Amendment No. 2.

Without objection, on motion of Senator Barnes, the Committee Substitute bill is temporarily displaced, with Amendment No. 2 pending.

S.B. 774 (House Committee Substitute), a bill to limit the liability of directors, officers, and employees of medical services corporations, for concurrence in the House Committee Substitute bill.

The Senate concurs in the measure (38-0) and the House Committee Substitute bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 2284
(Senate Committee Substitute)

House of Representatives
July 28, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Comm. Sub. to HB No. 2284, A BILL TO BE ENTITLED AN ACT TO CREATE A SENTENCING AND POLICY ADVISORY COMMISSION AND TO ESTABLISH A UNIFORM STANDARD FOR THE DEVELOPMENT OF CRIMINAL JUSTICE POLICY, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.J.R. 2412, a joint resolution providing for adjournment *sine die* of the General Assembly.

The joint resolution is read and, without objection, on motion of Senator Barnes, temporarily displaced.

REPORTS OF COMMITTEES

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel, Vice-Chairman, for the **Judiciary I Committee:**

H.B. 650 (Committee Substitute), a bill to require that minors under eighteen have a drug free record to obtain a drivers license, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 650** (Senate Committee Substitute), a bill to deny eligibility for or revoke the driver's license of a minor for one year for alcohol or drug violations, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration.

The Senate Committee Substitute bill passes its second (40-1) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

CALENDAR (Continued)

H.B. 2070 (Senate Committee Substitute), a bill to make technical changes in the Revenue Laws and to make other changes in the law, temporarily displaced earlier.

Senator Goldston offers Amendment No. 1 which is adopted (38-0).

The Chair rules the Senate Committee Substitute bill does not require a call of the roll.

The Senate Committee Substitute bill, as amended, passes its second (36-0) and third readings and is ordered, without objection, engrossed and sent to the House of

Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 296 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to allocate funds therefor, temporarily displaced earlier, with Amendment No. 2 pending.

Without objection, on motion of Senator Martin of Guilford, Amendment No. 2 is withdrawn.

Senator Martin of Guilford offers Amendment No. 3 which is adopted (35-0).

The Committee Substitute bill, as amended, passes its second (35-0) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 3 by special messenger.

CONFERENCE REPORT

S.B. 1427 (House Committee Substitute)

Senator Royall for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 1427** (House Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies and to make other changes in the budget operation of the State, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1427, A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, House Committee Substitute wish to report as follows: The Senate concurs in the House Committee Substitute, with the following amendment:

Delete the entire House Committee Substitute, with unengrossed amendments and substitute the attached proposed conference committee substitute PCCS-2745.

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 28th day of July 1990.

S/Kenneth C. Royall, Jr.	S/David H. Diamont
S/Wendell Murphy	S/J. W. Crawford
S/George Daniel	S/George Holmes
S/Marc Basnight	S/Howard J. Hunter, Sr.
S/Aaron W. Plyler	S/John B. McLaughlin
S/David R. Parnell	S/John L. Tart
S/Donald R. Kincaid	S/Lois S. Walker
S/Betsy L. Cochrane	S/Gene Wilson
S/James D. Speed	
S/Howard Lee	
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The text of the attached Proposed Conference Committee Substitute PCCS2745 is as follows:

July 28, 1990

A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

Requested by: Senator Royall, Representative Diamont

-----TITLE OF ACT

Section 1. This act shall be known as the "Capital Improvement Appropriations Act of 1990."

*****

An outline of the provisions of the act follows this section. The outline shows the heading "-----CONTENTS/INDEX-----" and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

-----CONTENTS/INDEX-----

(This outline is designed for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act.)

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PART I.-----GENERAL FUND APPROPRIATIONS

-----CAPITAL IMPROVEMENTS/AMOUNTS DELAYED OR REVERTED

Sec. 2. (a) The Governor, acting pursuant to Article III, Section 5(3), of the Constitution to effect the necessary economies in State expenditures to balance the budget for the 1989-91 fiscal biennium, has placed all or part of the funds appropriated by the General Assembly for the projects set out on the following chart on a "delayed" status or reverted them.

The appropriations of funds in the amounts set out in the chart in the column headed "**Amount Delayed or Reverted**" are hereby repealed.

Appropriations are made from the General Fund for the 1990-91 fiscal year for use by State departments, institutions, and agencies for capital improvement projects, to replace the amounts delayed or reverted by the Governor and repealed herein by the General Assembly, according to the column headed "**1990-91 Appropriation**" in the following schedule:

Agency/Project	Amount Delayed or Reverted	1990-91 Appropriation
Department of Administration (Total)	$ 28,002,480	$ 21,303,955
1. Museum of Art - Landscaping	700,000	-
2. Education Building - Furnishings	1,407,980	-
3. New Steam Plant - Government Complex	6,594,500	6,594,500
4. Reserve for Asbestos Removal	750,000	-
5. New Revenue Building	18,000,000	14,159,455

6.	Veterans Cemetery Funds	400,000	400,000
7.	Indian Cultural Center - Planning	150,000	150,000
Department of Agriculture			
(Total)		10,162,994	8,789,394
1.	Watercraft Museum	499,700	499,700
2.	Western North Carolina Agricultural Center - Land	350,000	350,000
3.	Mountain Research Station - Building	140,000	-
4.	Southeastern Farmers Market	1,500,000	1,500,000
5.	New Agronomics Lab	6,852,694	6,439,694
6.	Garden Center Building - Charlotte	320,600	-
7.	Piedmont Triad Market	500,000	-
Board of Governors - University of North Carolina			
(Total)		63,451,300	49,354,257
1.	1987 University-wide Construction	2,855,678	2,855,678
2.	1987 Advance Planning	350,000	350,000
3.	1988 Major Renovations and Repairs	4,865,660	4,793,242
4.	1988 Utilities Repairs and Improvements	1,692,000	1,598,657
5.	1988 Land Acquisition	689,920	689,920
6.	1988 University-wide Construction	5,352,932	5,062,150
7.	1988 Mitchell 4-H Camp - Repairs	214,000	214,000
8.	1988 UNC - Asheville - Conference Center	2,200,000	2,200,000
9.	1988 North Carolina Arboretum	1,062,810	1,062,810
10.	N. C. State University -		
	a. Engineering Graduate Center	6,000,000	3,000,000
	b. Centennial Center	2,000,000	1,000,000
11.	East Carolina University -		
	a. Joyner Library Addition	6,000,000	2,000,000
	b. Center for Regional Advancement	1,000,000	500,000
12.	University of North Carolina at Chapel Hill -		
	a. School of Business	6,500,000	5,000,000
	b. Social Work Building	4,140,500	2,500,000
13.	UNC - Asheville -		
	a. Conference Center	2,000,000	2,000,000
	b. Conference Center	2,000,000	-
14.	Fayetteville State University - Health/Physical Educ. Building	8,677,800	8,677,800
15.	Appalachian State University -		
	a. Student Activities Center	2,000,000	2,000,000
	b. Academic Support Building	500,000	500,000
16.	N. C. Arboretum	1,250,000	1,250,000
17.	Board of Governors - Land	1,000,000	1,000,000
18.	Area Health Education Centers - Construction Grants	1,100,000	1,100,000
Department of Community Colleges			
(Total)		6,000,000	2,905,000
1.	Anson Community College/Stanly Community College-Union Satellite	900,000	-
2.	Cape Fear Community College -Classroom	500,000	-
3.	Craven Community College - Student Activity Center	750,000	-

4.	Fayetteville Technical Community College - Center for Applied Technology - Equipment	899,952	899,952
5.	Isothermal Community College - Fine Arts Center	320,000	-
6.	Johnston Community College-Renovate Library	90,000	90,000
7.	Pitt Community College - Vocational Building	28,577	28,577
8.	Roanoke-Chowan Community College - Technology/Small Business Center	368,645	368,645
9.	Rockingham Community College - Lab/Classroom Building	1,032,826	407,826
10.	Wake Technical Community College - Health Education Building	1,110,000	1,110,000
Department of Correction			
(Total)		1,955,600	1,955,600
1.	Reserve for Repairs - Statewide	347,800	347,800
2.	Wastewater and Water System Improvements	133,400	133,400
3.	Plumbing Repairs at 51 Units	517,600	517,600
4.	Substance Abuse Facility (Correctional Center for Women)	62,800	62,800
5.	DWI Treatment Facility (Goldsboro)	894,000	894,000
Department of Cultural Resources			
(Total)		950,000	-
1.	Ziegler House - Renovation	400,000	-
2.	C.H. Brown State Historic Site-Improvements	400,000	-
3.	Spencer Shops - Round House Renovations	150,000	-
Department of Economic and Community Development			
(Total)		7,000,000	1,000,000
1.	Biotechnology Center - Construction Grant	1,000,000	1,000,000
2.	State Ports Authority-Expansion, Modernization, and Development	2,844,043	-
3.	State Ports Authority Development		
	a. Morehead City Port	2,130,263	-
	b. Wilmington Port	1,025,694	-
Department of Environment, Health, and Natural Resources			
(Total)		9,550,000	7,700,000
1.	State Park System - Repairs and Renovations/Improvements	2,000,000	1,000,000
2.	State Park System - Land Purchases	400,000	-
3.	Headquarters - Forest Resources County Headquarters - Beaufort, Rutherford and Cumberland counties	900,000	450,000
4.	North Carolina Zoological Park - North American Phase	6,250,000	6,250,000
Department of Justice			
(Total)		18,508,000	-
1.	State Bureau of Investigation Complex	18,508,000	-

NC Solid Waste Mgt Capital Projects Financing Agency		
(Total)	5,000,000	900,000
1. Solid Waste Revolving Fund	5,000,000	900,000
Office of State Budget and Management		
(Total)	52,736,698	43,660,094
1. Clean Water and Sewer Program	11,000,000	10,500,000
2. Emergency Prison Construction Program	27,160,094	27,160,094
3. Low-Level Radioactive Waste Site Selection	6,000,000	6,000,000
4. Satellite Jail/Work Release Units	8,576,604	-
GRAND TOTAL	$203,317,072	$137,568,300

(b) Except where expressly repealed or amended by this act, the provisions of law relating to the capital projects set out in subsection (a) of this section,

(1) Are not affected by language in subsection (a) repealing the amounts appropriated and appropriating new funds for the projects and

(2) Apply to the funds appropriated in subsection (a).

-----ADDITIONAL APPROPRIATIONS FOR CAPITAL PROJECTS

Sec. 3. Appropriations are made from the General Fund for the 1990-91 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

Agency/Project	1990-91
Department of Administration	
1. New Museum of Natural Science - Planning	$ 90,000
Department of Agriculture	
1. Southeastern Farmers' Market - Wastewater Treatment Facility	140,000
Board of Governors - University of North Carolina	
(Total)	1,853,000
1. University of North Carolina at Chapel Hill - Living and Learning Center for Autistic Adults	1,078,000
2. N. C. State University - Agriculture Programs - Castle Hayne Horticultural Research Station - Greenhouse and Support Facilities	275,000
3. Board of Governors - Land Acquisition	500,000
Department of Community Colleges	
1. Repairs/Renovations of Franklin County satellite of Vance - Granville	133,592
Department of Crime Control and Public Safety	
1. Construction of Armories at Clinton and Goldsboro	
Total Requirements	5,409,300
Federal Matching	3,941,500
Local Matching	733,900
State Matching	733,900
Department of Cultural Resources	
1. Museum of the Albemarle - Continued Planning	75,000

Department of Economic and Community Development	
(Total)	2,600,000
1. State Ports Development - Long Range Planning	100,000
2. National Institute of Statistical Sciences (Research Triangle Park)	2,500,000
Department of Environment, Health, and Natural Resources	
(Total)	2,509,532
1. Coastal Reserves - Buxton Woods -Federal Matching	125,000
2. Reserve for Water Resources -Federal Matching	2,100,000
3. Shellfish Sanitation Lab Facility, Wilmington	284,532
Department of Human Resources	
1. Murdoch Center - Renovate Parkview Cottage	1,400,000
Department of Justice	
1. Justice Academy - Classroom Building	2,000,000
Office of State Budget and Management	
(Total)	58,193,872
1. Reserve for Repairs and Renovations	5,543,872
2. Clean Water Program - Federal Match	6,150,000
3. Public School Construction Funds:	
a. ADM Fund Allocations	36,500,000
b. Critical Needs Allocations	10,000,000
GRAND TOTAL	$ 69,728,896

-----CONTINGENT APPROPRIATIONS FOR CAPITAL PROJECTS

Requested by: Senator Royall

Sec. 4. (a) Appropriations are made from the General Fund for the 1990-91 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

Department of Justice	
1. New State Bureau of Investigation Complex	18,508,000
Department of Environment, Health, and Natural Resources	
1. North Carolina Zoological Park - Completion of the North American Phase	4,953,000
GRAND TOTAL	23,461,000

(b) Subsection (a) of this section shall become effective only if the Director of the Budget certifies that adequate nonrecurring revenue is available to support these expenditures and that adequate revenue is otherwise available to meet budgeted expenditures. The Director of the Budget may consult with the Advisory Budget Commission prior to making this certification.

-----NONRECURRING OPERATING APPROPRIATIONS

Sec. 5. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the fiscal year ending June 30, 1991, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the General Fund for these purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from General Fund appropriations for the 1990-91 fiscal year.

Current Operations - General Fund	1990-91
Department of Community Colleges	
1. Equipment and Book Purchases	6,000,000

-----NONRECURRING STATE AID APPROPRIATIONS

Sec. 6. Appropriations from the General Fund of the State to State departments, institutions, and agencies for aid to certain governmental and nongovernmental units as enumerated are made for the fiscal year ending June 30, 1991, according to the following schedule:

Project	1990-91
Department of Agriculture	
1. Grant-in-Aid to the North Carolina Strawberry Association, Inc., for strawberry marketing and research	$25,000
Department of Economic and Community Development (Total)	3,150,000
1. Industrial Economic Development Fund	1,500,000
2. North Carolina Housing Trust Fund	1,000,000
3. Rural Economic Development Center, Inc. - Grants to Community Development Corporations incorporated under Chapter 55A of the General Statutes	650,000
Board of Governors - University of North Carolina	
1. North Carolina State University-Research Triangle World Trade Center	50,000
Department of Human Resources	
1. HUD Group Homes - For start-up and operational costs of 15 group homes for the developmentally disabled and 2 group homes and 2 apartment projects for the mentally ill as approved in the 1989 Section 202 allocation by the U. S. Department of Housing and Urban Development	1,525,978
Department of Environment, Health, and Natural Resources (Total)	250,000
1. United Cerebral Palsy Group Homes and Developmental Centers	200,000
2. Rural Water Association, Inc. - Grant-in-aid	50,000
Department of Cultural Resources	
1. Grassroots Arts Program - to be distributed on a per capita basis	550,000
Office of State Budget and Management (Total)	2,580,000
1. North Carolina Performing Arts Center - Charlotte	2,100,000
2. Grant-in-Aid - Autistic Foundation of N.C. for development of camp and conference center	300,000

3.	North Carolina Poverty Project, Inc. - Grant-in-Aid	55,000
4.	The Pack Place Education, Arts and Service Center (Asheville)	125,000
	GRAND TOTAL	$8,130,978

-----CURRENT OPERATIONS/RECURRING EXPENSES

Sec. 7. Appropriations from the General Fund of the State for maintenance of State departments, institutions, and agencies, and for other purposes as enumerated are made for the fiscal year ending June 30, 1991, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the General Fund for these purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from General Fund appropriations for the 1990-91 fiscal year.

General Fund		1990-91
Department of State Auditor		
1.	Reduce State contributions to Pension Funds based upon actuarial report.	
	a. Firemen's Pension Fund	(95,859)
	b. Rescue Squad Worker's Pension Fund	(41,302)
Department of the Secretary of State		
1.	Reserve for implementation of the new N.C. Business Corporation Act effective January 1, 1991	386,160
Department of State Treasurer		
1.	Increase funding for data processing services in Investment Management Division	150,000
Department of Environment, Health, and Natural Resources		
1.	Children's Special Health Services Funding Supplement	900,000
Department of Public Education		
1.	Purchase of 100 additional school buses	3,000,000
2.	Additional support for Exceptional Children Program	2,000,000
Department of Revenue		
1.	Reserve for workload created by passage of bill to accelerate employer withholding payments	1,252,678
Department of Agriculture		
1.	Reserve for staff and support related to new Raleigh Farmers' Market opening January 1, 1991	200,000
	GRAND TOTAL	$7,751,677

PART II.-----HIGHWAY FUND

-----CAPITAL IMPROVEMENTS

Sec. 8. Appropriations are made from the Highway Fund for the 1990-91 fiscal year for use of the Department of Transportation to provide for capital improvement projects according to the following schedule:

Agency/Project	1990-91
Division of Highways	
1. Salt Storage Facilities	$691,437
2. Division of Highways Roof Replacements	226,150
3. Land Acquisition and Sub-Maint.-Jonas Ridge	177,300
4. Division Office Annex-Ahoskie	400,000
5. Division Office Annex-Greenville	360,000
6. Site Completion-Taylorsville	359,700
7. Central Warehouse Expansion-Raleigh	226,225
Division of Motor Vehicles	
1. Reserve for Repairs to Parking Lots	97,000
2. Reserve for Roof Replacements	94,300
3. Land purchase and building design-Asheville	180,000
GRAND TOTAL	$2,812,112

PART III.-----GENERAL PROVISIONS

Requested by: Senator Royall, Representative Diamont
-----PROJECTS ON DELAYED STATUS

Sec. 9. Because adequate funds are not available for the 1990-91 fiscal year to meet all of the State's critical needs for capital projects and to appropriate funds for all projects that were placed on delayed status by the Governor, the General Assembly is unable to restore all of the funds for the projects or to meet other critical capital needs. The General Assembly urges the Governor to give highest priority to funds for these projects when he prepares his proposed budget for the 1991-93 fiscal biennium.

Requested by: Senator Royall, Representative Holmes
-----RESTRICTION ON CAPITAL IMPROVEMENT EXPENDITURES/
UNC ENGINEERING GRADUATE RESEARCH CENTER

Sec. 10. (a) Notwithstanding any other provision of law, capital improvement projects for which funds are appropriated in Sections 2, 3, and 4 of this act shall not be available for expenditure prior to January 1, 1991, and until the Director of the Budget has certified that nonrecurring revenue sufficient to support these expenditures has been realized or is anticipated to be realized prior to June 30, 1991. Prior to certification of funds as required under this section, the Director of the Budget may seek the advice of the Advisory Budget Commission.

This section is not applicable to any projects (i) on which construction contracts have been awarded; (ii) where federal, local, or private funds are available to match State funds; (iii) where agents of the State have made commitments to provide waste disposal facilities; or (iv) where necessary repairs must be made to State facilities.

(b) Notwithstanding subsection (a) of this section and any other provisions of law, funds appropriated for the 1990-91 fiscal year to the Board of Governors of The University of North Carolina for the Engineering Graduate Research Center at North Carolina State University shall be released as needed for site preparation and infrastructure for this facility on North Carolina State University's Centennial Campus.

Requested by: Senator Royall, Representative Holmes
-----USE OF REPAIRS AND RENOVATIONS RESERVE FUNDS/PROJECTS

Sec. 11. (a) Notwithstanding G.S. 143-16.3, funds from the Repairs and Renovations Reserve may be used for repair and renovation of capital facilities for which the General Assembly considered but did not enact an appropriation of funds for the 1990-91 fiscal year.

(b) Of the funds appropriated to the Office of State Budget and Management for the 1990-91 fiscal year for repair and renovation projects, the following funds may be allocated for the following purposes:

(1) Up to $400,000 may be used for the Ziegler House for renovation;
(2) Up to $400,000 may be used for the C. H. Brown State Historic Site for improvements;
(3) Up to $150,000 may be used for Spencer Shops for Round House renovation; and
(4) Up to $400,000 may be used for Broughton Hospital for steam plant modifications.

Requested by: Senator Royall
-----INTANGIBLES TAX DISTRIBUTION

Sec. 12. Notwithstanding G.S. 105-213(a), as amended by Chapter 813 of the 1989 Session Laws, the distribution required to be made in the 1990-91 fiscal year by that subsection shall be made by September 15, 1990, instead of by August 30, 1990.

Requested by: Representative Holmes
-----SEQUESTRATION OF FUNDS/NON-STATE AGENCIES

Sec. 13. The Governor is urged, when performing his constitutional duty to balance the State budget, to consider sequestering State funds appropriated to non-State entities.

The Governor is urged, when performing his constitutional duty to balance the State budget, not to sequester funds appropriated to the Local Tax Reimbursement Reserve.

Requested by: Representative Diamont
-----REVERSION OF CLEAN WATER REVOLVING LOAN/GRANT PROGRAM

Sec. 14. The balance of $133,592.20 remaining in the North Carolina Clean Water Revolving Loan and Grant Program-Administrative Account is reverted to the General Fund.

Requested by: Representative Holmes
-----REVERSION/REMAINDER $120 MILLION WATER AND SEWER FUNDS

Sec. 15. Notwithstanding any other provision of law, funds appropriated to the Office of State Budget and Management as a Reserve for Clean Water Program by Section 4 of Chapter 480, Session Laws of 1985, (as limited by Section 5.12 of that act, as amended) that have not been contractually obligated by May 31, 1991, shall revert to the General Fund.

Requested by: Representative Michaux
-----PUBLIC DEFENDER APPOINTMENT CHANGE

Sec. 16. (a) Subsection (d) of Section 127 of Chapter 1066 of the 1989 Session Laws, the Current Operations Appropriations Act of 1990, is repealed.

(b) Effective July 1, 1990, but to expire on December 31, 1990, G.S. 7A-466(d) reads as rewritten:

"(d) Except in Defender District 16B, for each new term beginning on or after January 1, 1989, and to fill any vacancy, the public defender for a defender district shall be appointed from a list of not less than ~~two~~ three and not more than ~~three~~ five names nominated by written ballot of the attorneys resident in the defender district who are licensed to practice law in North Carolina. The balloting shall be conducted pursuant to regulations promulgated by the Administrative Office of the Courts. The appointment shall be made by the senior resident superior court judge of the superior court district or set of districts as defined in G.S. 7A-44.1 which includes the county or counties of the defender district for which the public defender is being appointed."

PART IV.-----GENERAL GOVERNMENT

Requested by: Senator Royall
-----CHARGES FOR OVERDRAFT IN STATE TREASURER'S DISBURSING ACCOUNT

Sec. 17. G.S. 143-3.2 reads as rewritten:

"**§ 143-3.2. Issuance of warrants upon State Treasurer.**

(a) The State Controller shall have the exclusive responsibility for the issuance of all warrants for the payment of money upon the State Treasurer. All warrants upon the State Treasurer shall be signed by the State Controller, who before issuing them shall determine the legality of payment and the correctness of the accounts.

When the State Controller finds it expedient to do so because of a State agency's size and location, the State Controller may authorize a State agency to make expenditures through a disbursing account with the State Treasurer. The State Controller shall authorize the Judicial Department and the General Assembly to make expenditures through such disbursing accounts. All deposits in these disbursing accounts shall be by the State Controller's warrant. A copy of each voucher making withdrawals from these disbursing accounts and any supporting data required by the State Controller shall be forwarded to the Office of the State Controller monthly or as otherwise required by the State Controller.

A central payroll unit operating under the Office of the State Controller may make deposits and withdrawals directly to and from a disbursing account. The disbursing account shall constitute a revolving fund for servicing payrolls passed through the central payroll unit.

The State Controller may use a facsimile signature machine in affixing his signature to warrants.

(b) The State Treasurer may impose on an agency a fee of fifteen dollars ($15.00) for each check drawn against the agency's disbursing account that causes the balance in the account to be in overdraft or while the account is in overdraft. The financial officer shall pay the fee from non-State or personal funds to the General Fund to the credit of the miscellaneous non-tax revenue account by the agency."

Requested by: Senator Parnell, Representative Holmes

-----INDIAN CULTURAL CENTER FUNDS

Sec. 18. (a) The State of North Carolina shall lease out for a period of 99 years at a monetary consideration of $1.00 per year all the real property it acquired for the Indian Cultural Center, but no part of Phase I of the project may be constructed either by the State or for the lessee until an environmental impact assessment is completed on Phase I of the property, and if required pursuant to Article 1 of Chapter 113A of the General Statutes, an environmental impact statement is prepared.

Any lease agreement entered into by the State with the North Carolina Indian Cultural Center, Inc., shall include but not be limited to the following terms:

(1) An environmental impact assessment pursuant to Article 1 of Chapter 113A of the General Statutes is completed on Phase I of the property.

(2) The lease shall include a reversionary clause stipulating that the North Carolina Indian Cultural Center, Inc., must have the $4,160,000 necessary to complete Phase I of this project in their possession, unencumbered, and subject to its immediate disposal within five years from the date of execution of the lease agreement.

(3) If the funds are not so possessed within five years from the date of execution, then this lease agreement will automatically terminate.

(4) The North Carolina Indian Cultural Center, Inc., as lessee, may conduct no construction of Phase I on the premises until it has fulfilled the terms of the lease agreement.

(b) Of the funds appropriated to the Department of Administration for fiscal year 1990-91 in Section 2 of this act for the Indian Cultural Center, the sum of $100,000 shall be used for an environmental impact assessment, pursuant to Article 1 of Chapter 113A of the General Statutes, and construction of the Indian Cultural Center and the sum of $50,000 shall be used for operating costs of the Center, as a grant-in-aid.

Requested by: Representative Diamont
-----NORTH CAROLINA PERFORMING ARTS CENTER IN CHARLOTTE COMMITMENT COMPLETION

Sec. 19. The appropriations in this act for the North Carolina Performing Arts Center in Charlotte, together with the interest earned on all the State funds appropriated for the center in any fiscal year, shall complete the State's commitment to provide $15,000,000 for the construction of the North Carolina Performing Arts Center in Charlotte.

Requested by: Senator Raynor, Representatives Easterling, Hurley
-----VETERANS HOME STUDY COMMISSION

Sec. 20. (a) The Veterans Home Study Commission is created. The Commission shall consist of 10 members appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one member from his or her respective body of the legislature and from the North Carolina American Legion, the North Carolina Veterans of Foreign Wars, the North Carolina Disabled American Veterans, and the North Carolina American Veterans of World War II (AMVETS) from a list submitted to each of them from the governing body of each organization containing three recommendations for Commission membership.

(b) The Speaker of the House of Representatives shall designate one member of the Commission as cochairman and the President Pro Tempore of the Senate shall designate one member as cochairman. The cochairmen shall call the initial meeting of the Commission.

(c) The Commission shall study the construction of a State veterans home, the identification of a site for the home, and the operation, management, and ongoing costs for a State veterans home. The Commission shall formulate funding recommendations to be made to the General Assembly that will fully implement a State veterans home program to serve adequately the veterans in North Carolina. The Commission may assist the State in making an application to secure federal grant matching funds for the construction of a State veterans home, may visit veterans homes in other states, and may contract with consultants, architects, engineers, contractors, and other experts in the field of veteran home construction.

(d) The Commission shall submit a report of its findings and recommendations to the 1991 General Assembly.

(e) Upon the approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be paid by the Commission. The Commission may employ professional staff as necessary to perform its duties. The Commission may meet in the State Legislative Building or the Legislative Office Building, upon the approval of the Legislative Services Commission.

(f) Members of the Commission shall be paid subsistence and travel allowances as follows:

(1) Commission members who are also General Assembly members at the rate established in G.S. 120-3.1;

(2) Commission members, if any, who are also officials or employees of the State at the rate established in G.S. 138-6; and

(3) All other Commission members at the rate established in G.S. 138-5.

(g) The Commission may be funded from funds available to the Legislative Services Commission for the 1990-91 fiscal year.

PART V.-----EMPLOYEE BENEFITS

Requested by: Senator Johnson of Wake
-----FUNDS FOR ADMINISTRATION OF PERFORMANCE PAY PLAN

Sec. 21. Of the funds appropriated for fiscal year 1990-91 in Sections 3 and 4 of Chapter 752 of the 1989 Session Laws as a Reserve for Salary Increases and a Reserve for Compensation Increases, respectively, any amount not required to be transferred by the Director of the Budget from the Reserves to State agencies, departments, and institutions for salary and compensation increases may be transferred to the Department of Administration, up to a total amount not to exceed the sum of $500,000, to be used by the Office of State Personnel in administering the performance pay plan for State employees subject to the same provisions of the State Personnel Act.

Requested by: Representative Lineberry
-----LEO RETIREES/STATE HEALTH PLAN

Sec. 22. (a) G.S. 135-40.2(a) reads as rewritten:

"(a) The following persons are eligible for coverage under the Plan, on a noncontributory basis, subject to the provisions of G.S. 135-40.3:

(1) All permanent full-time employees of an employing unit who meet the following conditions:
   a. Paid from general or special State funds, or
   b. Paid from non-State funds and in a group for which his or her employing unit has agreed to provide coverage.

   Employees of State agencies, departments, institutions, boards, and commissions not otherwise covered by the Plan who are employed in permanent job positions on a recurring basis and who work 30 or more hours per week for nine or more months per calendar year are covered by the provisions of this subdivision.

(1a) Permanent hourly employees as defined in G.S. 126-5(c4) who work at least one-half of the workdays of each pay period.

(2) Retired teachers, State employees, ~~and~~ members of the General ~~Assembly~~ Assembly, and retired State law enforcement officers who retired under the Law Enforcement Officers' Retirement System prior to January 1, 1985.

(2a) Surviving spouses of:
   a. Deceased retired employees, provided the death of the former plan member occurred prior to October 1, 1986; and
   b. Deceased teachers, State employees, and members of the General Assembly who are receiving a survivor's alternate benefit under any of the State-supported retirement programs, provided the death of the former plan member occurred prior to October 1, 1986.

(3) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 1020, s. 29(b), effective January 1, 1988.

(3a) Employees of the General Assembly, not otherwise covered by this section, as determined by the Legislative Services Commission, except for legislative interns and pages.

(4) Members of the General Assembly."

(b) This section shall become effective the first day of the calendar month following ratification of this act, and applies to coverage in accordance with the provisions of G.S. 135-40.3.

PART VI.-----EDUCATION

Requested by: Senator Conder
-----SCHOOL SUPPLEMENTAL INSTRUCTIONAL MATERIAL/ DIFFERENTIATED PAY PLANS

Sec. 23. (a) G.S. 115C-98(b) reads as rewritten:

"(b) Local boards of education shall adopt written policies concerning the procedures to be followed in their local school administrative units for the selection and procurement of supplementary textbooks, library books, periodicals, audio-visual materials, and other supplementary instructional materials needed for instructional purposes in the public schools of their units.

Local boards of education shall have sole authority to selectand procure supplementary instructional materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day. Supplementary materials and contracts for supplementary materials are not subject to approval by the State Board of Education.

Supplementary books and other instructional materials shall neither displace nor be used to the exclusion of basic textbooks."

(b) G.S. 115C-47 is amended by adding a new subdivision to read:

"(33) Local boards of education shall have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, pursuant to the provisions of G.S. 115C-98(b)."

(c) G.S. 115C-238.4 is amended by adding a new subsection to read:

"(f) If a local school administrative unit bases its differentiated pay plan on a locally designed school-based performance program, pursuant to subdivision (a)(3) of this section, the plan shall provide that following the attainment of the local school goals, the local board of education shall make a determination of which certified staff members contributed to the attainment of those goals. Differentiated pay bonuses shall then be distributed to those designated employees. The local board of education shall make the determination upon recommendation of (i) the superintendent and (ii) any other person or committee designated in the local differentiated pay plan. The other person or committee designated in the local differentiated pay plan may be the principal, a school-based committee, or any other person or local committee."

(d) The State Board of Education shall study the use in the public schools of supplementary materials that contain commercial advertising or that identify commercial products and that are provided to the public schools at less than fair market value. The State Board shall evaluate the impact of these supplementary materials on the instructional program in the public schools.

The State Board shall report the results of this study to the General Assembly prior to March 15, 1991.

Requested by: Senator Kaplan

-----PARENTAL INVOLVEMENT IN SCHOOLS/STUDY

Sec. 24. The Education Study Commission, which was created in Part V of Chapter 802 of the 1989 Session Laws, shall study the concept of requiring parents to spend time at school with their children. During the course of this study, the Education Study Commission shall consider the legislation proposed in the first edition of Senate Bill 1524 of the 1989 Session.

Requested by: Senator Royall, Representative Diamont

-----SCHOOL ADMINISTRATOR SALARY SCHEDULE

Sec. 25. (a) Section 38(a1) of Chapter 752 of the 1989 Session Laws is repealed.

(b) Section 38(a2) of Chapter 752 of the 1989 Session Laws reads as rewritten:

"(a2) Superintendents, Assistant Superintendents, Associate Superintendents, Supervisors, Directors, Coordinators, Evaluators, Program Administrators, Principals, and Assistant Principals--1990-91. The Director of the Budget may transfer from the salary increase reserve fund created in Section 3 of this act for fiscal year 1990-91 funds necessary to provide an average annual salary increase of six percent (6%), including funds for the employer's retirement and Social Security contributions,

commencing July 1, 1990, for all superintendents, assistant superintendents, associate superintendents, supervisors, directors, coordinators, evaluators, program administrators, principals, and assistant principals whose salaries are supported from the State's General Fund. ~~These funds shall be allocated to individuals according to rules adopted by the State Board of Education and the Superintendent of Public Instruction so as to begin the first year of the implementation schedule of the salary schedule developed pursuant to subsection (a1) of this section.~~ These funds may not be used for any purpose other than for the salary increase and necessary employer contributions provided by this subsection."

Requested by: Senator Royall
-----EDUCATION GOVERNANCE STUDY

Sec. 26. The Task Force on Excellence in Secondary Education of the Department of Public Instruction shall study the method of selecting education officials and the educational governance structure at the State level. The Task Force shall report the results of its study and its recommendations to the General Assembly prior to the convening of the 1991 General Assembly.

Requested by: Representative Chapin
-----YEAR-ROUND EDUCATION

Sec. 27. (a) The State Board of Education shall study the concept of year-round education and shall develop policies and procedures for local school administrative units that want to implement year-round education. The State Board of Education shall report the results of its study and any policies and procedures it develops to the General Assembly prior to the convening of the 1991 General Assembly.

The State Board shall also develop a grant program for local school administrative units to use in planning for the implementation of year-round education.

(b) The Department of Public Instruction shall develop the ability to offer technical expertise to local school administrative units that want to implement year-round education.

(c) The Department of Public Education shall fund this study from funds available to it.

Requested by: Representative Diamont
-----PUBLIC SCHOOL TESTING FUNDS

Sec. 28. Of the funds appropriated for aid to local school administrative units for the 1990-91 fiscal year, the State Board of Education may allocate $375,000 to the Department of Public Instruction to implement and administer end-of-course tests in physical sciences and English II (essay) and to develop end-of-grade tests for grades three through eight, necessary to implement the School Improvement and Accountability Act of 1989.

PART VII.-----HUMAN RESOURCES

Requested by: Senator Royall, Representative Diamont
-----PRESCRIPTION DRUG REIMBURSEMENT CHANGE

Sec. 29. (a) Section 70(a)(6), of Chapter 500 of the 1989 Session Laws, as rewritten by Section 139(a) of Chapter 752 of the 1989 Session Laws of the 1989 Session Laws, reads as rewritten:

"(6) **Drugs** - Drug costs as allowed by federal regulations plus ~~four dollars twenty-four cents ($4.24)~~ four dollars forty-five cents ($4.45) professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection (g) of this section and to the provisions at the end of subsection (a) of this section, or in accordance with a plan adopted by the Department of Human Resources consistent with federal reimbursement regulations."

(b) Effective upon the reduction of the estimated drug acquisition cost below the Average Wholesale Price, Section 70(a)(6) of Chapter 500 of the 1989 Session Laws, as rewritten by Section 139(a) of Chapter 752 of the 1989 Session Laws, and as further rewritten by subsection (a) of this section, reads as rewritten:

"(6) **Drugs** - Drug costs as allowed by federal regulations plus ~~four dollars eighty-five cents ($4.85)~~ five dollars ten cents ($5.10) professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection (g) of this section and to the provisions at the end of subsection (a) of this section, or in accordance with a plan adopted by the Department of Human Resources consistent with federal reimbursement regulations."

(c) Section 139(b) of Chapter 752 of the 1989 Session Laws is repealed.

(d) Subsections (a), (b), and (c) of this section shall become effective only if the Department identifies funds available to it sufficient to implement the increases established pursuant to these subsections.

Requested by: Senators Walker, Marvin

-----HEAD START/ELDERLY AND NEEDY PROGRAM FUNDS

Sec. 30. (a) Of the funds appropriated in Section 6 of Chapter 1066 of the 1989 Session Laws, the Current Operations Appropriations Act of 1990 under the Social Services Block Grant for day care services, the sum of $200,000 shall be allocated to the Department of Human Resources, Division of Economic Opportunity, for the continuation of Head Start programs and services for children eligible for these programs and services, and for the continuation of the services to the elderly and needy funded in Section 47 of Chapter 754 of the 1989 Session Laws.

(b) There is appropriated from the General Fund to the Department of Human Resources, Division of Economic Opportunity, the sum of $50,000 for the 1990-91 fiscal year to continue funding for those Head Start programs and services and those services to the elderly and needy described in subsection (a) of this section.

Requested by: Representative H. Hunter

-----AREA MENTAL HEALTH PILOT PROGRAM

Sec. 31. The Secretary of Human Resources may designate as a pilot program one area mental health, developmental disabilities, and substance abuse authority to be covered by the provisions of G.S. 160A-20 as if it were a county. The area authority so designated may borrow an amount not to exceed $100,000 as part of the transaction. No transaction may be entered into under this section after July 1, 1991. In applying this section, the Secretary shall use criteria to choose the area authority based on its readiness to proceed, and based on the ability of the proposal to provide separation of a partial hospitalization program and a psychosocial program for severely and persistently mentally ill clients.

PART VIII.-----NATURAL AND ECONOMIC RESOURCES

Requested by: Senator Plyler, Representative Redwine

-----NC AGRICULTURAL FINANCE AUTHORITY

Sec. 32. (a) Section 109 of Chapter 500 of the 1989 Session Laws is repealed, except that such repeal reenacts Chapter 122D of the General Statutes only as provided by subsection (b) of this section.

(b) Chapter 122D of the General Statutes is reenacted, with the exception of G.S. 122D-6(12), 122D-6(15), 122D-10, 122D-12, 122D-14, 122D-15, and 122D-17.

(c) G.S. 120-123(47) is reenacted.

(d) The amendment made to G.S. 53-234(6)(d) by Section 109(f) of Chapter 500, Session Laws of 1989, is repealed.

(e) Of the funds that were in the Reserve for Farm Loans on June 30, 1990, a sum not to exceed $204,627 may be reallocated to the North Carolina Agricultural Finance Authority for the 1990-91 fiscal year for the administration of Chapter 122D of the General Statutes, notwithstanding any provision of law to the contrary.

Requested by: Senator Hunt, Representative Diamont

-----COMMUNITY DEVELOPMENT CORPORATIONS FUNDS

Sec. 33. (a) Of the funds appropriated to the Department of Economic and Community Development for the 1990-91 fiscal year for the Rural Economic Development Center, Inc., the sum of $650,000 shall be used for grants to be disbursed to community development corporations which are incorporated under Chapter 55A of the General Statutes and which currently serve minority and underdeveloped communities.

(b) The Rural Economic Development Center, Inc., shall make a written report by May 1, 1991, to the General Assembly on the use of the funds appropriated under subsection (a) of this section.

(c) No funds allocated under subsection (a) of this section shall be used for administrative expenses of the Rural Economic Development Center, Inc., and any interest earned on unexpended funds shall be used for grants pursuant to subsection (a) of this section.

Requested by: Representative Diamont

-----WATER RESOURCES DEVELOPMENT PROJECTS

Sec. 34. (a) Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the 1990-91 fiscal year, the sum of $2,100,000 shall be used for water resources development projects. The Department shall fund the following projects, whose estimated costs are as indicated:

(1)	Morehead City Harbor Maintenance Dredging	$ 50,000
(2)	Beaufort Harbor Maintenance Dredging	80,000
(3)	Lower Creek (City of Lenoir) Flood Control	169,000
(4)	Aquatic Weed Control Projects	37,000
(5)	Carolina Beach Renourishment	800,000
(6)	State/Local Water Development Projects	278,000
(7)	Wilmington Harbor Passing Lane Study	18,000
(8)	Wilmington Harbor Turns and Bends Study	13,000
(9)	Corps of Engineers Feasibility Studies	as funds are available
(10)	Colington Bay Navigation	200,000
(11)	Small Watershed	380,000
(12)	Great Coharie (Sampson County) Flood Control	75,000

(b) Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects listed in subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 1990-91 fiscal year, or if the projects listed in subsection (a) are accomplished at a lower cost, the Department may use the resulting fund availability to fund:

(1) Corps of Engineers project feasibility studies, or

(2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1990-91.

Funds not expended or encumbered for these purposes shall revert to the General Fund at the end of the 1991-92 fiscal year.

(c) Beginning October 1, 1990, the Department shall make quarterly reports on the use of these funds to the Joint Legislative Commission on Governmental Operations, the Director of the Fiscal Research Division, and the Office of State Budget and Management. Each report shall include:

(1) All projects listed in subsection (a) of this section;

(2) The estimated cost of each project;

(3) The date work on each project began or is expected to begin;
(4) The date work on each project was completed or is expected to be completed; and
(5) The actual cost of each project.

The quarterly reports shall also show those projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the General Fund.

Requested by: Representative Holmes
-----INSTITUTE OF STATISTICAL SCIENCES MATCHING FUNDS

Sec. 35. Funds appropriated for the 1990-91 fiscal year to the Department of Economic and Community Development for the Institute of Statistical Sciences shall be matched on the basis of one State dollar for one non-State dollar.

No State funds shall be disbursed until the design or construction contracts are awarded for the Institute's facility.

Requested by: Representatives B. Ethridge, Redwine
-----TRANSFER OF TRAVEL AND TOURISM FUNDS

Sec. 36. The Department of Economic and Community Development may transfer up to $176,000 of the funds appropriated for the 1990-91 fiscal year for promotional advertising in the Division of Travel and Tourism to establish and maintain two positions for direct marketing and one position for media development.

Requested by: Senator Basnight
-----LEGISLATIVE SERVICES COMMISSION TO PAY FOR CHAIRMAN OF SENATE NATURAL AND ECONOMIC RESOURCES APPROPRIATIONS COMMITTEE TO ATTEND HIGHWAY OVERSIGHT COMMITTEE MEETINGS

Sec. 37. The Legislative Services Commission shall pay the costs of the attendance of the Chairman of the Senate Appropriations Committee on Natural and Economic Resources at all meetings of the Joint Legislative Highway Oversight Committee. These subsistence and travel expenses shall be as provided in G.S. 120-3.1.

PART IX.-----TRANSPORTATION

Requested by: Senators Basnight, Plyler
-----D.O.T. CONTRACT RETAINAGE DEPOSITS

Sec. 38. Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-28.9. Retainage - construction contracts.

Notwithstanding the provisions of G.S.147-69.1, 147-77, 147-80, 147-86.10, and 147-86.11, or any other provision of the law, the Department of Transportation is authorized to enter into trust agreements with banks and contractors for the deposit of retainage and for the payment to contractors of income on these deposits, in connection with highway construction contracts, in trust accounts with banks in accordance with Department of Transportation regulations, including deposit insurance and collateral requirements. The Department of Transportation may contract with those banks without trust departments in addition to those with trust departments. Funds deposited in any trust account shall be invested only in bonds, securities, certificates of deposits, or other forms of investment authorized by G.S. 147-69.1 for the investment of State funds. The trust agreement may also provide for interest to be paid on uninvested cash balances."

PART X.-----MISCELLANEOUS PROVISIONS

Requested by: Senator Royall, Representative Diamont
-----EXECUTIVE BUDGET ACT APPLIES

Sec. 39. The provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Senator Royall, Representative Diamont
-----MOST TEXT APPLIES ONLY TO 1990-91

Sec. 40. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1990-91 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1990-91 fiscal year.

Requested by: Senator Royall, Representative Diamont
-----1989-90 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 41. Except where expressly repealed or amended by this act, the provisions of Chapters 500, 752, 754, 795, and 799 of the 1989 Session Laws, as amended, and Chapter 1066 of the 1989 Session Laws, the Current Operations Appropriations Act of 1990, as amended, remain in effect.

Sec. 42. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1990-91 fiscal year in Chapters 500, 752, 754, 795, and 799 of the 1989 Session Laws, as amended, and Chapter 1066 of the 1989 Session Laws, the Current Operations Appropriations Act of 1990, as amended, that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes.

Requested by: Senator Royall, Representative Diamont
-----EFFECT OF HEADINGS

Sec. 43. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Senator Royall, Representative Diamont
-----SEVERABILITY CLAUSE

Sec. 44. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Senator Royall, Representative Diamont
-----EFFECTIVE DATE

Sec. 45. Except as otherwise provided, this act shall become effective July 1, 1990.

On motion of Senator Royall, the Conference Report is adopted (39-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

(Pursuant to G.S. 143-15, see Addendum for the attached Conferee Report on differences for Proposed Committee Substitute for S.B. 1427 dated July 28, 1990.)

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1426 (Conference Report), an act to modify the current operations appropriations for North Carolina for the 1990-91 fiscal year and to make other changes in the budget operation of the State. (Ch. 1066)

S.J.R. 1630, a joint resolution authorizing the 1989 General Assembly, 1990 Session, to consider a joint resolution stating the long-term General Fund budget availability outlook and requesting that the State budget process be modified to provide a long-term analysis of State budget decisions. (Res. 74)

CALENDAR (Continued)

H.J.R. 2412, a joint resolution providing for adjournment *sine die* of the General Assembly, temporarily displaced earlier.

Without objection, on motion of Senator Barnes, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Senator Barnes offers Amendment No. 1 which is adopted (25-13).

The joint resolution, as amended, passes its second (35-0) and third readings and is ordered without objection sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

INTRODUCTION OF RESOLUTION

Senator Royall offers a motion that Rule 40 be suspended to allow the introduction, pursuant to Resolution 74, of the following joint resolution which motion prevails by a two-thirds majority vote.

By Senator Royall:

S.J.R. 1632, a joint resolution stating the long-term General Fund budget availability outlook and requesting that the State budget process be modified to provide a long-term analysis of State budget decisions.

Without objection, on motion of Senator Royall, the joint resolution(see Addendum) is placed before the Senate for immediate consideration, and is subsequently temporarily displaced.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 917 House of Representatives
(House Committee Substitute) July 28, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Comm. Sub. to SB No. 917, A BILL TO BE ENTITLED AN ACT TO REQUIRE PROPER TREATMENT AND DISPOSAL OF SEWAGE AND OTHER WASTE FROM CHEMICAL AND PORTABLE TOILETS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The bill as rewritten by the Conference Committee is ordered enrolled, changing the title to read **S.B. 917** (Conference Report), a bill to require proper treatment and disposal of sewage and other waste from chemical and portable toilets and to clean up various technical errors in the General Statutes and the Session Laws.

Further special messages from the House of Representatives are received as follows:

S.B. 1403 (Committee Substitute), a bill to provide that certain tourism development authorities may apply to receive refunds of sales taxes paid on purchases, for concurrence in House Amendment No. 1.

On motion of Senator Royall, the measure is referred to the **Ways and Means Committee.**

H.B. 2016, a bill to provide a benefit to former sheriffs who withdrew their service in the Local Governmental Employees' Retirement System prior to the creation of the Sheriffs' Supplemental Pension Fund.

On motion of Senator Royall, the measure is referred to the **Pensions and Retirement Committee.**

Senator Barnes offers a motion that the Senate stand at ease until 1:45 P.M. and that during the time the Senate stands at ease today that the rules be suspended to allow committee meetings, which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1427
(House Committee Substitute)

House of Representatives
July 28, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the House Comm. Sub. to SB. No. 1427, A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES ANDTO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The bill as rewritten by the Conference Committee is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1598 (Committee Substitute), a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, and to provide an increase to retirees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, for concurrence in House Amendment No. 1.

The Committee Substitute bill is read and without objection, the Chair orders the bill with House Amendment No. 1 temporarily displaced.

CALENDAR (Continued)

S.J.R. 1632, a joint resolution stating the long-term General Fund budget availability outlook and requesting that the State budget process be modified to provide a long-term analysis of State budget decisions, temporarily displaced earlier.

The joint resolution passes its second (33-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.J.R. 2412, a joint resolution providing for adjournment *sine die* of the General Assembly. (Res. 75)

REPORT OF COMMITTEE

The following standing committee report is submitted out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Block for the **Pensions and Retirement Committee**:

H.B. 2016, a bill to provide a benefit to former sheriffs who withdrew their service in the Local Governmental Employees' Retirement System prior to the creation of the Sheriffs' Supplemental Pension Fund, with a favorable report.

On motion of Senator Block, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second (30-4) and third readings and is ordered enrolled.

CALENDAR (Continued)

S.B. 1598 (Committee Substitute), a bill to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, and to provide an increase to retirees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, for concurrence in House Amendment No. 1, temporarily displaced earlier upon receipt of a message from the House of Representatives.

Without objection, on motion of Senator Marvin, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

Without objection, Senators Marvin, Ward, and Tally are excused from voting for the stated reason: "a member of retirement system."

The Senate concurs in House Amendment No. 1 (30-0), and the Committee Substitute bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1269 (Senate Committee Substitute), an act to provide that court orders and written agreements regarding medical support for minor children are valid authorization to insurers to release information and process claims and to provide for review of the presumptive child support guidelines. (Ch. 1067)

H.B. 2207 (Senate Committee Substitute), an act to remove the obsolete sales tax exemption for ice. (Ch. 1068)

H.B. 2257 (Senate Committee Substitute), an act to increase various fees and create new fees charged by the Department of Insurance; to amend the retaliatory

premium tax law; to create, maintain, and appropriate money to the Department of Insurance Consumer Protection Fund; and to improve the financial stability of the State Property Fire Insurance Fund. (Ch. 1069)

S.B. 439 (House Committee Substitute), an act to allow the Town of Richfield to collect utility bills as if they were taxes due the Town. (Ch. 1070)

S.B. 774 (House Committee Substitute), an act to limit the liability of directors, officers, and employees of medical services corporations. (Ch. 1071)

S.B. 1579 (Committee Substitute), an act to stagger further the terms served by members of the Board of the State Ports Authority, to eliminate the Governor's ability to remove members of the Board of the State Ports Authority without cause, and to provide that the General Assembly may remove members of the Board only for cause. (Ch. 1072)

S.B. 1588 (House Committee Substitute), an act to simplify the privilege license tax on restaurants. (Ch. 1073)

S.B. 1427 (Conference Report), an act to make appropriations to provide capital improvements for State departments, institutions, and agencies and to make other changes in the budget operation of the State. (Ch. 1074)

REPORTS OF COMMITTEES

The following standing committee reports are submitted out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Manufacturing and Labor Committee**:

H.B. 458, a bill to extend the time by which the minimum wage may be raised, with an unfavorable report as to bill, but favorable as to the Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 458** (Senate Committee Substitute), a bill to raise the minimum wage in enterprises with at least $250,000 in annual sales or business and to authorize a training wage, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration.

Senator Daniel offers Amendment No. 1 which is adopted (31-0).

The Senate Committee Substitute bill, as amended, passes its second reading (23-8).

Senator Bryan objects to the third reading of the bill.

Senator Daniel, seconded by Senator Harris, offers a motion that the rules be suspended to allow the third reading of the Senate Committee Substitute bill today, which motion fails to prevail (18-14) for lack of a two-thirds majority affirmative vote of those present and voting.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for the next legislative day for further consideration, upon third reading.

By Senator Plyler, Vice-Chairman, for the **Appropriations Committee**:

H.B. 1994, a bill to allow certain conversions from service to disability retirement in the Local Governmental Employees' Retirement System and to appropriate funds, with a favorable report, as amended.

On motion of Senator Block, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (26-0) and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1, by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1631 (House Committee Substitute), a bill to require resident inspectors at commercial hazardous waste facilities, for concurrence in the House Committee Substitute bill.

On motion of Senator Tally, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration for concurrence.

The Senate concurs in the measure (30-0), and the House Committee Substitute bill is ordered enrolled.

CONFERENCE REPORT

H.B. 267 (Senate Committee Substitute)

Senator Daniel for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 267** (Senate Committee Substitute), a bill to provide that an adult who uses, solicits, or hires a minor to commit a drug violation is guilty of a Class E felony and is strictly liable for the minor's drug addiction, to increase the sentence for the illegal sale or delivery of drugs to a minor or a pregnant woman, and to provide that a person twenty years of age or older who commits a drug offense on school property or within 300 feet of the boundary of a public school is guilty of a Class E felony, submits the following Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 267, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ADULT WHO USES, SOLICITS, OR HIRES A MINOR TO COMMIT A DRUG VIOLATION IS GUILTY OF A CLASS E FELONY AND IS STRICTLY LIABLE FOR THE MINOR'S DRUG ADDICTION, TO INCREASE THE SENTENCE FOR THE ILLEGAL SALE OR DELIVERY OF DRUGS TO A MINOR OR A PREGNANT WOMAN, AND TO PROVIDE THAT A PERSON TWENTY YEARS OF AGE OR OLDER WHO COMMITS A DRUG OFFENSE ON SCHOOL PROPERTY OR WITHIN 300 FEET OF THE BOUNDARY OF A PUBLIC SCHOOL IS GUILTY OF A CLASS E FELONY, Senate Committee Substitute, Fifth Edition Engrossed, wish to report as follows:

The House concurs in the Senate Committee Substitute, Fifth Edition Engrossed, with the following amendment:

delete the entire Senate Committee Substitute, Fifth Edition Engrossed, and substitute the attached proposed Conference Committee Substitute PCCS 8469.

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 28th day of July, 1990.

S/Daniel
S/R. Hunt
S/Richard Chalk

Conferees on the part of the Senate

S/Rep. Joanne Bowie
S/John B. McLaughlin
S/Stam
S/Blue

Conferees on the part of the House of Representatives

The text of the attached Proposed Conference Committee Substitute PCCS8469 is as follows:

A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS A FELONY OFFENSE FOR A PERSON EIGHTEEN YEARS OF AGE OR OLDER TO EMPLOY A MINOR TO COMMIT A DRUG VIOLATION, TO PROVIDE THAT A PERSON TWENTY-ONE YEARS OF AGE OR OLDER WHO HIRES A MINOR TO COMMIT A DRUG VIOLATION IS CIVILLY LIABLE FOR DAMAGES FOR DRUG ADDICTION PROXIMATELY CAUSED BY THE VIOLATION, TO INCREASE THE SENTENCE FOR THE ILLEGAL SALE OR DELIVERY OF DRUGS TO A MINOR OR A PREGNANT WOMAN, AND TO PROVIDE THAT A PERSON TWENTY-ONE YEARS OF AGE OR OLDER WHO COMMITS A DRUG OFFENSE ON SCHOOL PROPERTY OR WITHIN 300 FEET OF THE BOUNDARY OF A SCHOOL IS GUILTY OF A CLASS E FELONY.

The General Assembly of North Carolina enacts:

Section 1. Article 5 of Chapter 90 of the General Statutes is amended by adding the following new section to read:

"§ 90-95.4. Employing minor to commit a drug law violation.

(a) A person who is at least 18 years old but less than 21 years old who hires a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as a felony that is one class more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired.

(b) A person 21 years of age or older who hires a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as a felony that is two classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired.

(c) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.

(d) The term 'minor' as used in this section is defined as an individual who is less than 18 years of age."

Sec. 2. G.S. 90-95(e) reads as rewritten:

"(e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:

(1),(2) Repealed by Session Laws 1979, c. 760, s. 5.

(3) If any person commits an offense under this Article for which the prescribed punishment includes imprisonment for not more than two years, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be punished as a Class I felon;

(4) If any person commits an offense under this Article for which the prescribed punishment includes imprisonment for not more than six months, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than two years or fined

not more than two thousand dollars ($2,000), or both in the discretion of the court;

(5) Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person under 16 years of age or a pregnant female shall be punished as a Class E ~~felon;~~ felon. Mistake of age is not a defense to a prosecution under this section. It shall not be a defense that the defendant did not know that the recipient was pregnant;

(6) For the purpose of increasing punishment, previous convictions for offenses shall be counted by the number of separate trials at which final convictions were obtained and not by the number of charges at a single trial;

(7) If any person commits an offense under this Article for which the prescribed punishment requires that any sentence of imprisonment be suspended, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than six months or fined not more than five hundred dollars ($500.00), or both in the discretion of the court. court;

(8) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property used for an elementary or secondary school or within 300 feet of the boundary of real property used for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1). A person sentenced under this subdivision must serve a mandatory term of imprisonment of no less than two years, notwithstanding the provisions of G.S. 90-95(h)(5) or any other law. The sentencing judge may not suspend the mandatory two-year term of imprisonment or place the person on probation for the mandatory two-year term of imprisonment. During that time the prisoner is not eligible for early parole or early release."

Sec. 3. Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-95.5. Civil liability - employing a minor to commit a drug offense.

A person 21 years of age or older, who hires or employs a person under 18 years of age to commit a violation of G.S. 90-95 is liable in a civil action for damages for drug addiction proximately caused by the violation. The doctrines of contributory negligence and assumption of risk are no defense to liability under this section."

Sec. 4. This act shall become effective October 1, 1990. This act shall apply to offenses occurring on or after that date.

On motion of Senator Daniel, the Conference Report is adopted (31-0) changing the title upon a like action by the House of Representatives to read **H.B. 267** (Conference Report), a bill to provide that it is a felony offense for a person eighteen years of age or older to employ a minor to commit a drug violation, to provide that a person twenty-one years of age or older who hires a minor to commit a drug violation is civilly liable for damages for drug addiction proximately caused by the violation, to increase the sentence for the illegal sale or delivery of drugs to a minor or a pregnant woman, and to provide that a person twenty-one years of age or older who commits a drug offense on school property or within 300 feet of the boundary of a school is guilty of a Class E felony. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECONSIDERATION

H.B. 458 (Senate Committee Substitute), a bill to raise the minimum wage in enterprises with at least $250,000 in annual sales or business and to authorize a training wage, earlier today calendared for the next Legislative day upon third reading, as amended.

Senator Daniel offers a motion that the vote by which the motion to suspend the rules to allow the third reading of the Senate Committee Substitute bill, as amended, today, failed to prevail, be reconsidered.

Senator Chalk rises to a point of order pursuant to Rule 18. The Chair sustains the point of order as the short title was not stated. The Chair further rules the motion to reconsider out of order as Senator Daniel failed to vote with the prevailing side on the previous question.

Senator Goldston, consequently, offers a motion that the vote by which the motion to suspend the rules to allow the third reading of the Senate Committee Substitute bill, as amended, today failed to prevail be reconsidered, which motion prevails (22-9), and the question becomes the motion to suspend the rules to allow the third reading of the measure today.

The motion to suspend the rules to allow the third reading of the Senate Committee Substitute bill, as amended, today prevails (21-10), and the Chair orders the measure placed before the Senate for consideration upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (23-8) and is ordered engrossed and, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

The President of the Senate relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in his absence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 267
(Senate Committee Substitute)

House of Representatives
July 28, 1990

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Senate Comm. Sub. HB No. 267, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ADULT WHO USES, SOLICITS, OR HIRES A MINOR TO COMMIT A DRUG VIOLATION IS GUILTY OF A CLASS E FELONY AND IS STRICTLY LIABLE FOR THE MINOR'S DRUG ADDICTION, TO INCREASE THE SENTENCE FOR THE ILLEGAL SALE OR DELIVERY OF DRUGS TO A MINOR OR A PREGNANT WOMAN, AND TO PROVIDE THAT A PERSON TWENTY YEARS OF AGE OR OLDER WHO COMMITS A DRUG OFFENSE ON SCHOOL PROPERTY OR WITHIN 300 FEET OF THE BOUNDARY OF A PUBLIC SCHOOL IS GUILTY OF A CLASS E FELONY, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 917 (Conference Report), an act to require proper treatment and disposal of sewage and other waste from chemical and portable toilets and to clean up various technical errors in the General Statutes and the Session Laws. (Ch. 1075)

H.B. 2284 (Senate Committee Substitute), an act to create a Sentencing and Policy Advisory Commission and to establish a uniform standard for the development of criminal justice policy. (Ch. 1076)

S.B. 1598 (Committee Substitute), an act to increase the retirement formula for members and beneficiaries of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, and to provide an increase to retirees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System. (Ch. 1077)

H.B. 296 (Committee Substitute), an act to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to allocate funds therefor. (Ch. 1078)

H.B. 2016, an act to provide a benefit to former sheriffs who withdrew their service in the Local Governmental Employees' Retirement System prior to the creation of the Sheriffs' Supplemental Pension Fund. (Ch. 1079)

H.B. 1994, an act to allow certain conversions from service to disability retirement in the Local Governmental Employees' Retirement System and to appropriate funds. (Ch. 1080)

S.J.R. 1632, a joint resolution stating the long-term General Fund budget availability outlook and requesting that the State budget process be modified to provide a long-term analysis of State budget decisions. (Res. 76)

H.B. 267 (Conference Report), an act to provide that it is a felony offense for a person eighteen years of age or older to employ a minor to commit a drug violation, to provide that a person twenty-one years of age or older who hires a minor to commit a drug violation is civilly liable for damages for drug addiction proximately caused by the violation, to increase the sentence for the illegal sale or delivery of drugs to a minor or a pregnant woman, and to provide that a person twenty-one years of age or older who commits a drug offense on school property or within 300 feet of the boundary of a school is guilty of a Class E felony. (Ch. 1081)

S.B. 1631 (House Committee Substitute), a bill to require resident inspectors at commercial hazardous waste facilities. (Ch. 1082)

Senator Barnes, President *Pro Tempore*, announces that the Journal of today, July 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of today's Journal and it stands approved as written.

Senator Barnes offers a motion, seconded by Senator Wilson, that the Senate of the 1989 General Assembly do now adjourn, *sine die*.

The President orders a message sent to the House of Representatives informing that Honorable Body that the Senate has concluded the business for which it was convened and stands ready to adjourn, *sine die*.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 28, 1990

Mr. President:

You are respectfully advised that the 1989-90 House of Representatives has concluded the business before it and will be ready to open the doors of the House immediately upon receipt of information from your Honorable Body that you are ready to open your doors, that the gavels may fall simultaneously and adjournment may be declared **sine die.**

Respectfully,
S/Grace A. Collins
Principal Clerk

Pursuant to the message that the House of Representatives has concluded the business before it and having notified that Body that the Senate has concluded the business before it, the President of the Senate declares the Senate stands ready for adjournment *sine die*. The President orders the doors of the Senate thrown open. The Speaker of the House of Representatives is perceived standing ready to let the gavel fall.

The motion heretofore offered by Senator Barnes, seconded by Senator Wilson prevails. The hour for adjournment *sine die* as fixed by Resolution 75 having arrived, the President of the Senate, James C. Gardner, declares the Senate of the 1989 General Assembly adjourned, *sine die*.

JAMES C. GARDNER
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk of the Senate

ADDENDUM

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

> No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate present and voting, or

(2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

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It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day in its regular order of business.

— — — — — — —

It will be noted that Rule 20(2) of the House of Representatives requires that "all measures affecting a fee imposed by the State or any subdivision thereof" are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require, the Rule of the House of Representatives is honored and the measures are considered as roll-call measures, unless ruled otherwise by the presiding officer.

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It will be noted that numerical figures appear within parentheses throughout the Senate Journal. These figures represent the affirmative and negative votes cast and recorded electronically, pursuant to Senate Rule 25. Copies of the voting print-out are on file in the Legislative Library.

Sylvia Fink
Principal Clerk

NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATE
April 20, 1990

MEMORANDUM

TO: The Honorable Kenneth C. Royall, Jr., Chairman
Members, Senate Appropriations Committee

FROM: Henson P. Barnes

RE: Joint Meeting of the House and Senate
Appropriations Committees

Pursuant to G.S. 120-19.6A and Sec. 2 of Resolution 34 of the 1989 Session Laws, I am requesting that the Senate Appropriations Committee meet jointly with the House in preparation for the May 21st Session.

The first meeting of the Joint Committee is scheduled for 1:00 p.m. on Thursday, May 10.

cc: The Honorable Josephus L. Mavretic, Jr.
Mrs. Sylvia Fink
Mr. George R. Hall, Jr.

1989 GENERAL ASSEMBLY REPORTS

THE FOLLOWING BOARDS, COMMISSIONS, AND AGENCIES DIRECTED TO REPORT TO THE 1989 GENERAL ASSEMBLY HAVE SUBMITTED REPORTS WHICH ARE FILED IN THE LEGISLATIVE LIBRARY.

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
G.S. 115C-21	North Carolina Department of Public Instruction: Education Meets the Challenge	Beg. of Biennial Session	Jan., 1989
Ch. 154, Sec. 9, 1985 and Ch. 444, 1987 Session Laws	North Carolina Department of Justice Home Loan Experience of Small Loan Company Affiliates and Subsidiaries	12/31/88	1/3/89
Ch. 873, Sec. 26.5, & Ch. 1100, Sec. 7.1, 1987 Session Laws	The Adoptions and Surrogate Parenthood Study Commission	Prior to 1989 & 91 Sessions	1/4/89
Ch. 873, Sec. 9.7, 1987 Session Laws	Study Commission on the Uniform Regulation of Substance Abuse Testing	Beg. 1989 Session	1/10/89
Ch. 1086, Sec. 27, 1987 Session Laws	Legislative Study Commission on a System of Merit Pay for State Employees	Prior to 1989 Session	1/11/89
Ch. 873, Sec. 23.5,1987 Session Laws	Report of the Early Educational Program Study Commission	Beg. 1989 Session	1/11/89
Ch. 873, Sec. 28, 1987 Session Laws	Report of the Youth Suicide Study Commission	Beg. 1989 Session	1/11/89
G.S. 143B-426.21(b)(3)	Annual Information Processing Report and Plan	First Day of Session Annually	1/12/89
	N. C. Dept. of Revenue Comparative Statement of Net Collections		1/24/89
G.S. 143B-426.25	North Carolina Farmworkers Council	2/1/89	2/1/89
G.S. 113-77.7	Recreation and Natural Heritage Trust Fund 1987-1989 Biennium Report	After Revision	2/10/89
Ch. 806, 1973 S.L. Ch. 873, Sec. 21, 1987 Session Laws	North Carolina Mental Health Study Commission	by 1/15	2/22/89
	N. C. Dept. of Revenue Comparative Statement of Net Collections		2/23/89

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
Ch. 1095, Sec. 10, 1987 Session Laws	N. C. Dept. of Human Resources, Division of Aging	3/1/89	2/27/89
G.S. 58-68-10(a)(11)	North Carolina Health Insurance Trust Commission	by 3/1 Annually	3/8/89
Ch. 1086, Sec. 97.3 1987 Session Laws	State Board of Education "Before/After School Programs"	3/89	3/13/89
G.S. 115C-362, Art. 24A G.S. 115C-363.10, Art. 24B	State Board of Education Reports 1. "Analysis of Teacher Performance Ratings in Career Development Program Pilot Units" 2. "Student Achievement in Career Development Program Pilot Units 1985-88" 3. "Career Development Program Recommendations"	by 2/1 Annually	3/14/89
G.S. 115C-362	4. "Certified Schoool Personnel Evaluation Pilot Progam Outside Evaluator Project 1987-1988 Report"		
G.S. 115C-489.4(b)(2)	Commission on School Facility Needs "Statewide School Facility Minimum Standards"	Prior to 3/1/89	3/14/89
Ch. 829, Sec. 2 1987 Session Laws	Third Party Coverage of Diabetic Treatment	6/1/88	3/14/89
	N. C. Dept. of Revenue Comparative Statement of Net Collections		3/27/89
Ch. 1049, Sec. 7(c), 1987 Session Laws	The Legislative Study Commission on Nursing Final Report	4/1/89	3/28/89
Ch. 1086, Sec. 86, 1987 Session Laws	School Finance Pilot Project Report	3/89	4/18/89
	N. C. Dept. of Revenue Comparative Statement of Net Collections		4/19/89
G.S. 131D-3 and G.S. 131D-4	Human Resource's Annual Cost and Revenue Report for Domiciliary Care Facilities in N.C.	by 3/1 Annually	5/10/89
Ch. 1086, Sec. 89(g), 1987 Session Laws	State Board of Education Executive Summary: Class Size Adjustments/Waivers	by 4/15 Annually	5/15/89

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
G.S. 58-87-1	Volunteer Fire Department	by 7/14 Annually	6/23/89
	N. C. Dept. of Revenue Comparative Statement of Net Collections		6/26/89
	N. C. Dept. of Revenue Comparative Statementof Net Collections		7/24/89
Ch. 560, Sec. 3(a);(c) 1989 Session Laws	Division of Vocational Education Services "Nursing Shortage Alleviation Act" Report	11/1/89	11/16/89
G.S 122A-16	North Carolina Housing Finance Agency 1988 Annual Report	End of Fiscal Yr.	11/89
G.S. 143B-426.25	North Carolina Farmworker Council	by 2/1 Annually	3/6/90
Ch. 450, Sec. 1 1989 Session Laws	State Board of Education "Alternative Schools/Programs	3/1/90	4/6/90
Ch. 500, Sec. 88 1989 Session Laws	Department of Human Resources Comparative West Residential Study of the McLeod DrugProgram and the Alcohol Rehabilitation Center at Black Mountain	by 5/1/90	4/30/90
G.S. 143B-433.1	Housing Coordination and Policy Council	5/1/90	5/1/90
Ch. 500, Sec. 87(b) 1989 Session Laws	Department of Human Resources: Inpatient Hospitalization Services for Adolescent Substance Abusers	by 5/1/90	5/1/90
Ch. 500, Sec. 86(b) 1989 Session Laws	Department of Human Resources Alcohol and Drug Abuse Treatment Center Plan to Improve Efficiency and Effectiveness	by 5/1/90	5/1/90
G.S. 126-7	Office of State Personnel Compensation Report and Recommendation	by 5/1	5/1/90
Ch. 799, Sec. 15(b) 1989 Session Laws	Implementation Plan for Educational Programs for Certain Handicapped Children	5/1/90	5/2/90
Ch. 752, Sec. 65 1989 Session Laws	Superintendent's Task Force on Paperwork Reduction	5/1/90	5/2/90
Ch. 802, Sec. 15.4 1989 Session Laws	Depository Institutions Study Commission	Interim 1990	5/9/90

G.S. 115C-301	Class Size Allotment Adjustment and Waivers	by 4/15 Annually	5/16/90

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
Ch. 802, Part 14 1989 Session Laws	Legislative and Judicial Salary Study Commission	prior to 5/21/90	5/17/90
G.S. 143B-426. 21(b)(3)	Annual Information Processing Report and Plan	First Day of Session Annually	5/18/90
Ch. 752, Sec. 55 1989 Session Laws	Pupil Transportation Implementation Projects	1990 Session	5/18/90
Ch. 802, Sec. 2.1(12)	Revenue Laws Study Commission	1990 or 91	5/23/90
Ch. 795, Sec. 28.3(c)	Administrative Office of the Courts Resource Center Division of the N. C. Appellate Defender Office	1990 Session	5/25/90
Ch. 64, 1989 Session Laws	Birth-Related Neurological Impairment Study Commission	First Day of 1990 Session	5/25/90
G.S. 120, Art. 12A and Ch. 352, 1989 Session Laws	Joint Utility Review Committee Siting of Electric Tramsmission Lines	1990 Session	5/25/90
Ch. 802, Sec. 21.4 1989 Session Laws	State Personnel System Study Commission	Interim 1990	5/29/90
	N.C. Dept. of Revenue Comparative Statement of Net Collections		6/4/90
Ch. 460, Sec. 1 1989 Session Laws	Department of Transportation Report on Outdoor Advertising	First Day of 1990 Session	6/11/90
G.S. 143-215.94(M)	Department of Environment, Health, and Natural Resources: Status of Leaking Underground Storage Tanks and the State Cleanup Fund in North Carolina	1/1 Annually	6/18/90
PL 98-524 (JTPA)	State Board of Education Plan for Vocational Education		7/13/90
	OTHER REPORTS		
	N.C. Association of Community College Trustees: Orientation and Education Committee		5/29/90

S.B. 1426 (Committee Substitute)
(June 15, 1990--See Page 80)

SENATE

1990-91

BUDGET RECOMMENDATIONS

JUNE 14, 1990

S/Senator Kenneth C. Royall, Jr.
Appropriations Chairman

S/Senator Marc Basnight
Base Budget Chairman

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S.B. 1426 (Committee Substitute)(Continued)

1990-91
SENATE BUDGET RECOMMENDATIONS

Department	Budget Reductions	Expansion Funding	Total Net Change
General Assembly	($652,119)	$ -	($652,119)
Judicial	(6,334,241)	1,050,000	(5,284,241)
Governor	(182,700)	-	(182,700)
State Budget Office	(112,620)	-	(112,620)
Lt. Governor	(40,764)	-	(40,764)
Secretary of State	(113,832)	-	(113,832)
State Auditor	(243,981)	-	(243,981)
State Treasurer	(164,311)	-	(164,311)
Public Education:			
Superintendent's Office	(1,750,697)	2,216,794	466,097
Public School Fund	(187,533,866)	43,117,006	(144,416,860)
Justice	(1,649,599)	184,852	(1,464,747)
Agriculture	(1,296,183)	-	(1,296,183)
Labor	(276,744)	-	(276,744)
Insurance	(414,707)	-	(414,707)
Administration	(1,612,596)	280,426	(1,332,170)
State Controller	(174,695)	-	(174,695)
Environment, Health & Natural Resources	(5,200,166)	4,079,870	(1,120,296)
Human Resources	(33,846,269)	10,393,239	(23,453,030)
Correction	(12,102,409)	20,805,370	8,702,961
Economic & Community Dev.	(887,255)	-	(887,255)
Microelectronics Center	(643,003)	-	(643,003)
Biotechnology Center	(248,916)	-	(248,916)
Revenue	(1,915,645)	-	(1,915,645)
Cultural Resources	(1,221,098)	-	(1,221,098)
Crime Control & Public Safety	(915,114)	308,346	(606,768)
University System	(36,366,985)	850,000	(35,516,985)
Community Colleges	(11,530,244)	8,622,046	(2,908,198)
Board of Elections	(12,917)	-	(12,917)
Administrative Hearings Office	(75,344)	-	(75,344)
Administrative Rules Review	(9,224)	-	(9,224)
Contingency & Emergency Fund	(33,750)	-	(33,750)
Salary Adjustment Fund	(11,273)	-	(11,273)
Reserve for Frozen Vacant Positions	(40,000,000)	-	(40,000,000)
Reimbursements to Counties	(11,700,000)	-	(11,700,000)
Debt Service		4,645,800	4,645,800
GRAND TOTAL	($359,273,267)	$96,553,749	($262,719,518)

DEPARTMENT OF PUBLIC EDUCATION

	1990-91
BASE BUDGET REDUCTIONS:	
DEPARTMENT OF PUBLIC INSTRUCTION:	
1. Reductions in departmental budget	($1,657,231)
2. Reduction in salary reserve funds	(93,466)
TOTAL REDUCTIONS DEPARTMENT OF PUBLIC INSTRUCTION	($1,750,697)

S.B. 1426 (Committee Substitute)(Continued)

PUBLIC SCHOOL FUND:	
1. **Adjustments in the Public School Fund** - Reduction due to adjustments in average daily membership and average teacher salary.	(8,653,661)
2. **Student Transportation** - Reduce budget by 5% due to lower fuel costs and improved efficiency.	(5,500,000)
3. **Tort Claims** - Reduce budget because of lower claims experience.	(2,000,000)
4. **Prospective Teacher Scholarship Loans** - Reduce budget by anticipated repayments received.	(500,000)
5. **Career Development Program - reduce 16** career development pilot systems to full Senate Bill 2 funding (7% of payroll).	(15,360,483)
6. **School Bus Replacement** - Delay purchase of school buses for one year except for pre-1977 bus replacements and emergency reserve.	(22,500,000)
7. **Energy and Custodial Costs** - Reduce state aid to local education agencies for energy and custodial costs.	(18,500,000)
8. **Driver Education - Transfer funding** of the Driver Education Program from the General Fund to the Highway Fund.	(28,506,761)
9. **Basic Education Program** -Defer some portions of the Basic Education Program.	($86,012,961)
TOTAL BASE BUDGET REDUCTION PUBLIC SCHOOL FUND	($189,533,866)
TOTAL BASE BUDGET REDUCTION DEPARTMENT OF PUBLIC EDUCATION	($189,284,563)
PUBLIC SCHOOL FUND - EXPANSION BUDGET	
1. **Senate Bill 2** - Full funding for Senate Bill 2 in FY1990-91.	$39,436,046
2. **Handicapped Children, Ages 3 & 4.**	3,680,960
TOTAL EXPANSION - PUBLIC SCHOOL FUND	$43,117,006
DEPARTMENT OF PUBLIC INSTRUCTION - EXPANSION BUDGET	
1. **Drug Prevention Programs** Phase one of the expansion and development of K-6 curriculum on drug and alcohol prevention education programs.	$97,850
K-12 drug and alcohol prevention as a part of the Basic Education Program.	400,000
Grades 7-12 education program on the effects of drugs on a developing fetus.	250,000
Evaluations of drug prevention programs.	250,000
Expansion of DARE into all 5th and 6th grade classes.	300,264
Implement eight student assistance programs.	468,680
Implement and evaluate eight Peer Self-Help programs.	$450,000
TOTAL EXPANSION DEPARTMENT OF PUBLIC INSTRUCTION	$2,216,794
TOTAL ADDITIONAL EXPANSION ITEMS FY 1990-91	$45,333,800
TOTAL CHANGE DEPARTMENT OF PUBLIC EDUCATION BUDGET	($143,950,763)

S.B. 1426 (Committee Substitute)(Continued)

COMMUNITY COLLEGES

	1990-91
BUDGET REDUCTIONS:	
1. Negative reserve for the Department of community Colleges with provision authorizing the State Board of Community Colleges to establish guidelines for implementation.	($11,523,666)
2. Reduce salary reserve funds by half.	(6,578)
TOTAL BUDGET REDUCTIONS	($11,530,244)

EXPANSION BUDGET:

1. Fully fund Community College enrollments through a combination of appropriation and tuition increases. Raises in-state tuition from $90 to $105 a quarter and out-of-state from $840 to $981 a quarter. Also increases the occupational extension fee from $15 to $25 a course.	Gen. Fund total Requirements:	$15,333,086
	Tuition Receipts:	(6,711,040)
	Net Gen. Fund Appropriation:	$8,622,046
TOTAL NET REDUCTIONS		($2,908,198)

UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS

	1990-91
BUDGET REDUCTIONS:	
A. UNIVERSITY OPERATIONS	
1. **UNC General Administration** eliminate 19.5 positions and non-personnel support.	($829,680)
2. **Distinguished Professors Endowment Trust Fund** Reduce budgeted amount by 50%	(1,000,000)
3. **Need-Based Scholarships** Eliminate the 90-91 budgeted increase.	(500,000)
4. **Elizabeth City State Incentive Scholarship Funds** Eliminate 90-91 expansion because existing funding is sufficient to cover projected costs.	(500,000)
5. **Impose Temporary Additional Fees** Increase tuition charges by $41.50 per full-time in-state student and $83 per full-time non-resident student to reduce appropriations. UNC proposed this as a one-time fee.	(5,682,720)
6. **Eliminate 206.7 Full-Time Equivalent Teaching Faculty Positions** This is a pro-rata reduction of 2.4% of budgeted teaching positions.	(11,296,736)
7. **Eliminate 51.6 Full-Time Equivalent Non-Teaching Faculty Positions** This is a pro-rata reduction of 2.4% of budgeted non-teaching positions which are exempt from the State Personnel Act (EPA).	($2,121,412)
8. **Eliminate 241.2 SPA Positions** This eliminates 68% of the number of positions frozen by the Office of State Budget and Management.	(5,294,216)
9. **Other Reductions in Operating Budgets** This includes $653,295 in building operating reserves, and miscellaneous reductions by campus.	(3,964,552)

S.B. 1426 (Committee Substitute)(Continued)

10. **Salary Reserves** Eliminate 50% of salary reserves.	(271,587)
11. **Center for Alcohol Studies Endowment** Estimated receipts from increase in Driver's License Restoration Fee for DWI suspensions are funded to the Center for Alcohol Studies Endowment at UNC-Chapel Hill as directed in Section 4, Chapter 786, 1989 Session Laws.	$850,000
TOTAL BUDGET REDUCTIONS: UNIVERSITY OPERATIONS	**($30,610,903)**
B. UNIVERSITY OF NORTH CAROLINA HOSPITALS	
Reduce General Fund operating funds by 3%.	($1,159,170)
C. RELATED EDUCATIONAL PROGRAMS	
Reduce various programs by 3%.	(199,248)
	(1,214,052) State Aid
D. N.C. SCHOOL OF SCIENCE AND MATHEMATICS	
Reduce operating budget by 3%.	(230,356)
E. AGRICULTURAL PROGRAMS	
Reduce budget by 3%.	(2,103,256)
TOTAL BUDGET REDUCTIONS: UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS	**($35,516,985)**

DEPARTMENT OF CORRECTION

BUDGET REDUCTIONS	FY 1990-91
Departmental Management	
Reduce funds for the following items for operating expenses in Fund 1110:	
Office supplies	($18,680)
Data processing supplies	(1,220)
Travel	(20,070)
Equipment repair	(9,300)
Postage	(3,687)
Telephone	(8,993)
Service contracts	(20,952)
Motor vehicle operations	(21,000)
Vehicle add ons	(3,000)
Office equipment	(22,086)
Reference books	(1,291)
Rent	(6,360)
Dues and subscriptions	(11,952)
Instructional equipment	(3,835)
Employee educational expense	(8,949)
Intra-agency service	(4,107)
Other equipment	(1,800)
Utilities	(1,200)
Division of Prisons - Division Management	
Reduce funds for the following line item in Fund 1210:	
Equipment	(8,126)

S.B. 1426 (Committee Substitute)(Continued)

Division of Prisons - Custody and Security

Delete Correctional Officer positions and utility and maintenance expense for classroom construction. Classrooms will not be available until FY 1991-92 (406,692) (14) E

Delete Correctional Sergeant positions for the smallest minimum custody units. Delete in-service Training Coordinator positions for Area Offices. (315,284) (17) E
($211,394) (6) E

Delete Stenographer positions for field unit superintendents. (136,416) (5) E

Delete Correctional Officer positions at prison units not included in *Small v. Martin* and not currently under lawsuits. (1,083,501) (63) E

Reduce equipment line items for lockers for new units and pay for them out of Welfare Fund. (310,524) E

Reduce heating line item. (500,000)

Reduce equipment and telephone line items (radios, walkaway talkies, data processing equipment, training equipment and telephone systems). (405,000)

Reduce data processing equipment and cancel purchase of field communication equipment. (62,000) E

Reduce out-of-state travel to conferences. (96,358)

Reduce purchase of safety equipment (metal storage buildings, metal cabinets, emergency generators, and air packs) for units not under litigation. (258,000) E

Reduce purchase of janitorial supplies. (200,000)

Reduce purchase of equipment. (80,000) E

Division of Prisons - Health Services

Delete vacant positions in health services. (335,371) (12)

Reduce contractual medical services. (360,584)

Reduce purchase of medical equipment. (75,000) E

Division of Prisons - Educational Services

Reduce contractual services for music teacher at Western Correctional Center and ECONO College (UNC correspondence courses). ($20,000)

Delete vacant teacher positions for adult inmates. (125,470) (4)

Reduce academic and vocational supply line items and pay for them from Welfare Fund. (268,630)

Division of Prisons - Program Services

Delete program clerical positions at field units. (520,206) (23) E

Reduce contractual services, for substance abuse programs, to actual expenditure level for FY 1989-90. (28,965)

S.B. 1426 (Committee Substitute)(Continued)

Division of Adult Probation and Parole -	
Parole/Probation Field Services	
Reduce funds for the following items for operating expenses in Fund 1430:	
Travel	(100,000)
Office Equipment	(40,000)
Departmentwide	
Reduce Salary Reserve balance (5/17/90) and related Social Security and Retirement by one-half	(66,455)
SUBTOTAL REDUCTIONS	($6,182,458)
SUBTOTAL POSITIONS REDUCED	(144)
RECEIPTS	
Increase receipts for meals purchased from the Department of Correction. Charge per meal is to increase from $1.25 to $2.00 prior to tax being added.	($519,017)
Re-negotiate contract with Department of Transportation to cover costs incurred for providing medium custody inmates for road squads.	(2,883,856)
Increase receipts for unsentenced safekeepers sent by counties to Division of Prisons. Payment is $12.50/day.	(319,500)
Increase receipts from counties for medical expenses for unsentenced safe-keepers sent to the Division of Prisons.	(319,728)
Increase receipts for per diem charge to inmates on Work Release from $8.00/day to $12.50/day.	(1,877,850)
SUBTOTAL DEPARTMENTAL RECEIPTS	($5,919,951)
TOTAL GENERAL FUND REDUCTION	**($12,102,409)**
TOTAL POSITIONS REDUCED	**(144)**
EXPANSION BUDGET	
Expand the Electronic House Arrest Program during FY 1990-91 to an additional 2,000 State probationers and parolees and 1,000 offenders supervised by local officials. These offenders are at high risk of incarceration or reincarceration.	$1,925,742 2,917,430(NR) (31)
Expand the Intensive Supervision Probation/Parole Program to supervise an additional 3,038 offenders in FY 1990-91.	7,462,663 (253)
Raise the per diem payment from $12.50 to $14.50 per day for State inmates serving sentences of 30 days or more in local confinement facilities.	604,678
Provide additional funds to comply with Order of Court (Smith vs. Bounds). Law libraries were abolished in FY 1989-90 and replaced by legal representation furnished by North Carolina Prisoners Legal Services, Inc.	289,705
Funds for Southern Appalachia Mainstream, Inc., a community-based residential program for offenders who are being paroled or released and are in need of residence plans, community service jobs, and/or social readiness skills.	190,000

S.B. 1426 (Committee Substitute)(Continued)

Provide funds for five additional Parole Case Analysts and three stenos to reduce case workload.	273,927 (8)
Increase funds for per diem items for inmates due to March 6, 1990 prison cap increase from 18,000 to 18,715 inmates.	1,684,298
Increase funds for per diem items for inmates due to additional increase in prison cap from 18,715 to 20,435 being proposed for FY 1990-91.	1,405,661
Provide funds for the early opening of dormitories at Sampson, Franklin, and Columbus County prison units.	907,882
Provide funds for the early opening of prison dormitories and facilities not previously budgeted for FY 1990-91.	$2,316,735 (145.50)
Provide operating funds for dormitories constructed with funds reallocated fromother capital funds.	2,463,838 (156)
Funds for early startup of Correctional Officer positions at Wake Correctional Center.	138,416
TOTAL OPERATING EXPANSION	**$22,580,975**
TOTAL EXPANSION POSITIONS	**(593.50)**
RECEIPTS	
Decrease appropriation due to increased receipts from counties for safekeepers sent by counties to Division of Prisons. Per diem to increase from $12.50 to $14.50.	($103,595)
ALLOCATION OF FY 1990-91 RESERVE ALREADY APPROPRIATED	
In 1989, $1,672,010 was appropriated for FY 1990-91 in a reserve to the Department of Correction to be allocated by the 1990 Session of the General Assembly. These funds are to be used to offset the cost of expanding the Electronic Surveillance Program noted above.	($1,672,010)
TOTAL NET OPERATING APPROPRIATIONS	**$8,702,961**
TOTAL NET POSITIONS	**(449.50)**
TRANSFER OF APPROPRIATIONS TO GENERAL FUND	
Of funds appropriated in Chapters 8 and 754 of the 1989 Session Laws from the $75,000,000 Reserve for Correctional Improvements/Alternatives, the following capital projects are reduced by the amounts shown below. These funds are transferred back to the General Fund and are reappropriated for expansion items in the Department of Crime Control and Public Safety, the Judicial Department, and the Department of Correction.	
Harnett Metal Products Plant (Enterprises)	($1,531,800)

S.B. 1426 (Committee Substitute)(Continued)

Harnett Tailoring Plant (Enterprises)	(1,028,100)
Dayroom addition to existing minimum custody field unit dormitories	(7,668,211)
Classroom and Vocational Education buildings - renovation and site preparation	(1,583,141)
Pender medium custody dormitory and ancillary facilities.	(456,059)
TOTAL CAPITAL REVERSIONS	($12,267,311)

JUDICIAL DEPARTMENT

BUDGET REDUCTIONS	FY 1990-91
Surplus in Assistant and Deputy Clerk and Magistrates' Reserve for Pay Plans.	($550,000)
Reduce Service and Maintenance contracts for equipment (telephones, copiers, typewriters).	(200,000)
Reduce Overtime for permanent employees.	(40,933)
Reduce Premium Payments for employees.	(2,164)
Reduce Unemployment Compensation line item.	(22,023)
Reduce Workers' Compensation line item.	(52,824)
Reduce Temporary Salaries line item.	(1,174,940)
Reduce Equipment (data processing, copiers, typewriters).	(1,000,000) E
Reduce Operational Expenses (dues, subscriptions, registration fees).	(100,000)
Reduce Supplies and Materials line item.	(225,000)
Reduce Telephone Services	(13,437)
Reduce Travel line items:	
Reduce Travel - District Court and District Attorneys	(70,000)
Reduce Travel - Continuing education, judicial conferences	(50,000)
Reduce line item for Contractual Emergency Judges. (Reduction of 1667 to 306 days)	(204,960)
Reduce Contractual Court Reporters	(150,700)
Reduce Contractual Assistant District Attorneys and Assistant Public Defenders.	(75,477)
Reduce Contractual Services for General Administration and Information Services for Bench Book and Patterned Jury Instruction books and programming services.	($25,000)
Reduce expansion funds for Dispute Settlement Centers (Durham, Buncombe, Henderson).	(9,500) E
Reduce expansion funds for court ordered Arbitration Program in civil matters not exceeding $15,000 (Mecklenburg, New Hanover, Guilford, Forsyth, Wake).	(150,000) E

S.B. 1426 (Committee Substitute)(Continued)

Reduce expansion funds for Custody Mediation Program grants (Buncombe).	(50,000) E
Reduce Continuing Education Expense for judges.	(25,000)
Reduce Indigent Persons' Attorney Fee Fund	(517,937)
Delete fifty-three new positions.	(1,424,367) (53)
Reduce Salary Reserve balance (5/17/90) and related Social Security and Retirement by one-half.	(199,979)
TOTAL GENERAL FUND REDUCTION	**($6,334,241)**
TOTAL POSITIONS REDUCED	**(53)**

EXPANSION BUDGET

Provide funds for a reserve for retrial of sentencing of capital cases.	$500,000
Utilize lapsed salaries for FY 1990-91 to meet additional operating expenses for office, warehouse and print shop rental, supplies, jury and witness fees, court record book restoration, telephone system repairs, moving related expenses, indigent persons' attorney fees, and postage due to increased postage rates (Cost = $1,530,000. No additional appropriation needed.)	--
Fund Sentencing and Policy Advisory Commission	550,000 (7)
Utilize lapsed salaries to cover the costs of the extended terms of office for special superior court judge(s). (Cost = $61,260. No additional appropriation needed.)	--
TOTAL OPERATING EXPANSION	**$1,050,000**
TOTAL EXPANSION POSITIONS	**(7)**
TOTAL NET OPERATING APPROPRIATIONS	**($5,284,241)**
TOTAL NET POSITIONS	**(-46)**

DEPARTMENT OF JUSTICE

	1990-91 General Fund
BUDGET REDUCTIONS	
SALARY RESERVE	
Reduce salary reserve of $77,350 and related benefits by one-half.	($46,174)
ADMINISTRATION	
Reduce administrative expenses in three categories from 1989-90 levels:	(16,000)
Supplies & Travel - 11,000	
Office furn. & Equip. - 2,000	
Data processing - 3,000	

S.B. 1426 (Committee Substitute)(Continued)

LEGAL SERVICES	
Delete authorized expansion funds for increased travel.	(80,300)
Reduce telephone and postage.	(30,000)
Delay installation of the Barrister Legal Automation System.	(100,000)
STATE BUREAU OF INVESTIGATION	
Reduce Division of Criminal Information (DCI) line costs.	(40,000)
Abolish overtime payments to the five (5) Assistant Directors and to the Chief Investigator.	(31,000)
Reduce SBI Management/Supervisory training.	(57,000)
Eliminate reimbursements to boards and commission members.	(18,000)
Reduce Laboratory equipment expenditures.	(200,000)
Eliminate replacement of approximately fifteen (15) vehicles.	(240,000)
Reduce expenditures for law enforcement equipment.	($100,000)
Eliminate two (2) vacant positions in the Financial Crime Section.	(91,259) (2)
Abolish thirteen (13) vacant agent positions.	(458,866) (13)
TRAINING AND STANDARDS	
Reduction in force (1% of Net Appropriation) of two (2) positions - salaries and benefits.	(50,000) (2)
Implement general across-the-board reductions (1/2 of 1%) in operating expenses and reduce sub-programs (travel, equipment, maintenance and repairs, employee training, utilities, etc.).	(50,000)
SUBTOTAL REDUCTIONS	($1,608,599) (17)
RECEIPTS	
Budget programmed increases in receipts in the Law Enforcement Liaison Unit per authority of G.S. 114-8.2.	($29,000)
Budget fees authorized per G.S. 114-8.2 that are charged to Boards and Commissions which utilize legal services from the Department of Justice.	(12,000)
SUBTOTAL RECEIPTS	($41,000)
TOTAL GENERAL FUND REDUCTIONS	**($1,649,599)** (17)
EXPANSION BUDGET:	
Provide funding to support four additional training schools to complete statewide expansion of the Drug Abuse Resistance Education Program (DARE).	$184,852 (2)
TOTAL EXPANSION	**$184,852** (2)
TOTAL NET BUDGET CHANGE	**(1,464,747)** (15)

S.B. 1426 (Committee Substitute)(Continued)

DEPARTMENT OF CRIME CONTROL & PUBLIC SAFETY	1990-91 General Fund
BUDGET REDUCTIONS	
1. SALARY RESERVE	
Reduce salary reserve of $55,178 and related benefits by one half.	($32,939)
2. ADMINISTRATION	
Delete the Data Processing Services position authorized	(46,771)
for FY 90-91.	(1)
3. NATIONAL GUARD	
Reduce state costs for telephone service by charging appropriate expenses to the federal government.	(260,267)
4. EMERGENCY MANAGEMENT	(33,087)
Delete an Emergency Management Officer position.	(1)
5. VICTIM & JUSTICE SERVICES	(220,000)
Reduce the expansion of Community Penalties Program.	
6. Reduce in-state travel/transportation.	(48,964)
7. Reduce match for Drug Enforcement grants to State agencies.	(110,000)
8. GOVERNOR'S CRIME COMMISSION	
Delete two of three vacant positions -Criminal Justice	(39,475)
Planner II, #4970-0000-0001-216, and a File Clerk III	(1)
(25%), #4970-0000-0001-256.	(6,892)
	(1)
9. The following funds will be cut in the areas of travel, printing, cleaning supplies, motor vehicle operations, communications, other equipment, or utilities:	
National Guard	(10,000)
Civil Air Patrol	(4,086)
Butner Public Safety	(26,000)
Emergency Management	(20,000)
Governor's Crime Commission	(26,633)
Crime Prevention	(30,000)
TOTAL GENERAL FUND REDUCTIONS	**($915,114)**
	(4)
EXPANSION BUDGET:	
1. Provide funds to Summit House, a community-based residential alternative for pregnant women convicted of non-violent crimes.	$165,000 State Aid
2. Maintain expansion of the Community Penalties Programs.	$143,346
TOTAL EXPANSION	**$308,346**
TOTAL NET BUDGET CHANGE	**($606,768)**
	(4)

BUDGET REDUCTIONS	1990-91 Highway Fund
HIGHWAY PATROL	
1. Reduce salary reserve of $662,021 and related benefits by one-half.	($ 411,745)
2. Eliminate replacement by approximately 163 vehicles.	(2,272,972)

S.B. 1426 (Committee Substitute)(Continued)

3.	Reduce funding in the following areas:	
	Fuels and lubricants	(35,088)
	Tires and tubes	(40,673)
	Parts and labor	(33,277)
	Helicopter Operations	(50,000)
	Travel	(62,500)
	Educational expense	(48,000)
	Office furniture and equipment	(12,206)
	Communication equipment	(33,811)
	Data processing equipment	(30,763)
	TOTAL HIGHWAY FUND (HP) REDUCTIONS	($3,031,035)

DEPARTMENT OF ADMINISTRATION

		1990-91
BUDGET REDUCTIONS:		
	SALARY RESERVE	($87,364)
1.	Reduce salary reserves of $146,349 by 1/2 and benefits.	
	WORKFORCE REDUCTIONS	(450,731)
2.	Reduce appropriations for salaries and related benefits by eliminating 13 positions department-wide, including 4 positions in the Office of State Personnel.	(13)
	POLICY AND PLANNING	
3.	Reduce appropriations for Aid to Council of Governments by 3%.	(29,700) State Aid
	OFFICE OF STATE PERSONNEL	
4.	Reduce appropriations of $20,000 for Contractual Services, $20,000 for OJT Incentive, $10,000 for Maintenance Contracts and $28,950 for other expense items to meet the 3% budget reduction.	(58,950) (20,000) State Aid
	STATE CONSTRUCTION AND PROPERTY	
5.	Reduce appropriations of $50,798 for Data Processing Services, $10,000 for Maintenance Contracts, $20,000 for DP Equipment, $27,000 Reserve for State Building Commission and $13,058 for other expenses to meet the 3% budget reduction.	(120,856)
	STATE BUILDING COMMISSION	
6.	Reduce appropriations of $19,500 for Travel expenses and $5,500 other expenses to meet the 3% budget reduction.	(25,000)
7.	FACILITY MANAGEMENT DIVISION Reduce appropriations of $369,987 for Utilities and $81,359 for Other Services to meet the 3% budget reduction.	(451,346)
	JAMES KNOX POLK BUILDING	
8.	Reduce appropriations by $75,000 which will be offset by $75,000 in increased rental receipts for the building.	(75,000)
	PURCHASE AND CONTRACT	
9.	Reduce appropriations of $91,400 for Data Processing Services and $25,600 in other expenses to meet the 3% budget reduction.	(117,000)
	STATE SURPLUS PROPERTY	
10.	Reduce appropriations of $9,600 for other expenses to meet the 3% budget reduction.	(9,600)
	VETERANS AFFAIRS	
11.	Reduce appropriations of $50,000 for educational grants/ scholarships to meet 3% budget reduction.	(50,000)
	N. C. ALCOHOLISM RESEARCH AUTHORITY	
12.	Reduce appropriations of $5,400 for research grants to meet 3% budget reduction.	(5,400) State Aid

S.B. 1426 (Committee Substitute)(Continued)

	SCIENCE AND TECHNOLOGY RESEARCH	
13.	Reduce appropriations of $61,649 for research grants to meet 3% budget reduction.	(61,649) State Aid
	LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY	(50,000)
14.	Reduce appropriations of $50,000 for Contracted Services to meet 3% budget reduction.	
	SUBTOTAL	($1,495,847)
		(116,749) State Aid
	TOTAL BUDGET REDUCTIONS: DEPARTMENT OF ADMINISTRATION	**($1,612,596)**
	POSITIONS	**(13)**

EXPANSION BUDGET:

	OFFICE OF STATE PERSONNEL	
1.	Expand the Employee Assistance Program (EAP) to adequately serve all state employees. This will add an EAP regional office and representative in the Orange County and New Hanover County areas and 2 Drug-free educators and 2 EAP representatives in existing offices.	$280,426 (6)
	TOTAL NET OPERATING REDUCTIONS	**($1,332,170)**

OFFICE OF ADMINISTRATIVE HEARINGS

1990-91

BUDGET REDUCTIONS:

	SALARY RESERVES	
1.	Reduce salary reserves of $21,871 by 1/2 and benefits.	($13,056)
	OPERATING EXPENSES	
2.	Reduce appropriations of $24,112 for Travel, $6,000 for Repairs and Maintenance, $11,413 for Data Process Service, $10,573 for Office Furniture and Equipment and $10,190 for DP Equipment to meet the 3% budget reduction.	(62,288)
	TOTAL BUDGET REDUCTIONS: OFFICE OF ADMINISTRATIVE HEARINGS	**($75,344)**

ADMINISTRATIVE RULES REVIEW COMMISSION

1990-91

BUDGET REDUCTIONS:

	SALARY RESERVES	
1.	Reduce salary reserves of $1,777 by 1/2 and benefits.	($1,058)
	OPERATING EXPENSES	
2.	Reduce appropriations of $8,166 for operating expenses to meet the 3% budget reduction.	(8,166)
	TOTAL BUDGET REDUCTIONS: ADMINISTRATIVE RULES REVIEW COMMISSION	**($9,224)**

S.B. 1426 (Committee Substitute)(Continued)

OFFICE OF STATE AUDITOR

BUDGET REDUCTIONS:

	SALARY RESERVES	
1.	Reduce salary reserves of $732 by 1/2 and benefits.	($437)
	WORKFORCE REDUCTIONS	
2.	Reduce appropriations for salaries and related benefits by eliminating 7 positions.	(243,544) (7)
	TOTAL BUDGET REDUCTIONS: OFFICE OF STATE AUDITOR	**($243,981)**
	POSITIONS	(7)

OFFICE OF STATE BUDGET AND MANAGEMENT

1990-91

BUDGET REDUCTIONS:

	SALARY RESERVES	
1.	Reduce salary reserves of $1,200 by 1/2 and benefits.	($716)
	WORKFORCE REDUCTIONS	
2.	Reduce appropriations for salaries and benefits by eliminating 1 position.	(39,107) (1)
	OPERATING EXPENSES	
3.	Reduce appropriations of $30,000 for Travel and $42,797 for other operating expenses to meet the 3% budget reduction.	(72,797)
	TOTAL BUDGET REDUCTIONS: OFFICE OF STATE BUDGET AND MANAGEMENT REDUCTIONS	**($112,620)**
	POSITIONS	(1)

STATE BOARD OF ELECTIONS

1990-91

BUDGET REDUCTIONS:

	OPERATING EXPENSES	
1.	Reduce appropriations of $12,917 for printing and binding to meet 3% budget reduction.	($12,917)
	TOTAL BUDGET REDUCTIONS: STATE BOARD OF ELECTIONS	**($12,917)**

OFFICE OF THE GOVERNOR

1990-91

BUDGET REDUCTIONS:

	SALARY RESERVES	
1.	Reduce salary reserves of $58,529 by 1/2 and benefits.	($34,939)
	WORKFORCE REDUCTIONS	
2.	Reduce appropriations for salaries and related benefits by eliminating 2 positions.	(72,832) (2)
	ADMINISTRATION	
3.	Reduce appropriations of $17,000 for operating expenses to meet the 3% budget reduction.	(17,000)
	GOVERNOR'S WESTERN OFFICE	
4.	Reduce appropriations of $6,230 for operating expenses to meet the 3% budget reduction.	(6,230)

S.B. 1426 (Committee Substitute)(Continued)

OFFICE OF CITIZEN AFFAIRS

5. Reduce appropriations of $4,000 for advertising to meet the 3% budget reduction. (4,000)

RALEIGH EXECUTIVE RESIDENCE

6. Reduce appropriations by $4,349 for other expenses to meet the 3% budget reduction. (4,349)

OTHER

7. Reduce reserve of $24,646 for health insurance and retirement increases, $15,171 for performance pay and $3,533 for 6% salary increase related to the 2 positions eliminated. (43,350)

TOTAL BUDGET REDUCTIONS:
OFFICE OF THE GOVERNOR **($182,700)**
POSITIONS **(2)**

DEPARTMENT OF INSURANCE

BUDGET REDUCTIONS: 1990-91

SALARY RESERVES

1. Reduce salary reserves of $19,487 by 1/2 and benefits. ($11,633)

WORKFORCE REDUCTIONS

2. Reduce appropriations for salaries and related benefits by eliminating 2 positions. (48,770) (2)

OPERATING EXPENSES

3. Reduce appropriations of $234,304 for operating expenses to meet the 3% budget reduction. (234,304)

DEPARTMENT RECEIPTS

4. Reduce appropriations by $120,000 due to underestimating other income and revenue from the Sale of Training Manuals. (120,000)

TOTAL BUDGET REDUCTIONS:
DEPARTMENT OF INSURANCE **($414,707)**
POSITIONS **(2)**

STATE CONTROLLER

BUDGET REDUCTIONS: 1990-91

SALARY RESERVE

1. Reduce salary reserve of $14,065 by 1/2, and related benefits. ($8,397)
2. Reduce salaries and related benefits by eliminating one vacant Data Processing Consultant and one vacant Computing Consultant. (90,491) (2)
3. Reduce other contracted services funds. (55,433)
4. Reduce funds for office materials and supplies, communications, printing and dues and subscriptions. (20,374)

TOTAL BUDGET REDUCTIONS:
STATE CONTROLLER **($174,695)**
POSITIONS **(2)**

DEPARTMENT OF CULTURAL RESOURCES
OPERATING BUDGET

BUDGET REDUCTIONS:

SALARY RESERVE

1. Reduce salary reserve of $22,516 by 1/2, and related benefits. ($13,441)

S.B. 1426 (Committee Substitute)(Continued)

	OFFICE OF THE SECRETARY	
2.	Reduce funds for telephone.	(2,700)
	ADMINISTRATIVE SERVICES	
3.	Reduce miscellaneous operating support.	(18,000)
	COMMUNICATIONS	
4.	Reduce funds for operating expenses.	(9,180)
	ARCHIVES AND HISTORY ADMINISTRATION	
5.	Eliminate vacant History Museum Specialist position and related benefits.	(29,953) (1)
	HISTORICAL PUBLICATIONS	
6.	Reduce funds for printing.	(10,520)
	ARCHIVES AND RECORDS	
7.	Reduce support for other supplies and materials, travel and postage.	(43,127)
	STATE HISTORIC SITES	
8.	Reduce funds for travel, communications, utilities and repairs and maintenance.	($82,256)
	TRYON PALACE	
9.	Reduce support for utilities, building and equipment repairs and repairs and maintenance.	(21,183)
	STATE CAPITOL/VISITOR CENTER	
10.	Reduce funds for communications and printing.	(5,558)
	HISTORIC PRESERVATION	
11.	Reduce funds for travel and communication.	(17,087)
	MUSEUM OF HISTORY	
12.	Reduce reserve fund for new museum included in the expansion budget.	(185,220)
	EASTERN OFFICE	
13.	Reduce travel and telephone support.	(2,010)
	WESTERN OFFICE	
14.	Reduce funds for travel, telephone and other equipment.	(4,437)
	MUSEUM OF ART	
15.	Reduce funds for miscellaneous operational support items.	(90,000)
	ARTS COUNCIL	
16.	Reduce travel and telephone funds.	(9,600)
	Art in State Buildings	(10,000)
	SYMPHONY	
17.	Reduce funds for postage.	(8,456)
	STATE LIBRARY-INFORMATION SERVICES	
18.	Reduce printing funds.	(21,595)
	BLIND AND HANDICAPPED	
19.	Reduce funds for films.	(94,000)
	TOTAL REDUCTIONS:	
	OPERATIONS	**($678,323)**
	POSITIONS	**(1)**

	CULTURAL RESOURCES GRANT FUNDS	1990-91 **State Aid**
BUDGET REDUCTIONS:		
	ARCHIVES AND HISTORY	
20.	Historical Attractions	($3,000)
	UNCONDITIONAL GRANTS	
21.	Moore's Creek	(32)
	HISTORIC SITES	
22.	Local Grants	(337)

S.B. 1426 (Committee Substitute)(Continued)

	ARTS COUNCIL GRANTS	
23.	Touring/Comm. Dev.	(29,900)
24.	Theatre Arts	(16,300)
25.	Dance, Folk, Literature	(23,400)
26.	American Dance Festival	(10,000)
27.	Statewide Arts Res.	(28,900)
28.	Grassroots Arts	(45,000)
	GRANTS-IN-AID TO THE ARTS	
29.	Vagabond School	(1,500)
30.	Art Society	(240)
31.	N. C. Symphony Society, Inc.	(44,373)
	SERVICES TO PUBLIC LIBRARIES	
32.	Aid to Counties	($339,793)
	TOTAL REDUCTIONS-GRANTS-STATE AID	($542,775)
	TOTAL REDUCTIONS:	
	OPERATIONS AND GRANTS-STATE AID	**($1,221,098)**
	POSITIONS	**(1)**

GENERAL ASSEMBLY 1990-91

BUDGET REDUCTIONS:

1.	Reduce funds for data processing service.	($152,119)
2.	Reduce funds for 1991 Session whichis budgeted for 24 weeks.	(500,000)
	TOTAL REDUCTIONS:	
	GENERAL ASSEMBLY	**($652,119)**

LIEUTENANT GOVERNOR

BUDGET REDUCTIONS:

	SALARY RESERVE	
1.	Reduce salary reserve of $37,405 by 1/2, and related benefits.	($22,330)
2.	Reduce support for other contractual services, office materials and supplies and travel.	(18,434)
	TOTAL REDUCTIONS:	
	LIEUTENANT GOVERNOR	**($40,764)**

DEPARTMENT OF REVENUE

BUDGET REDUCTIONS:

	SALARY RESERVE	
1.	Reduce salary reserve of $355,595 by 1/2, and related benefits.	($212,273)
	REDUCTION IN FORCE	
2.	Eliminate approximately 17 positions, salaries and related benefits.	($503,372) (17)
	MANAGEMENT INFORMATION SERVICES	
3.	Reduce contractual services for new automation programs affiliated with upgrade of the computer system.	($1,200,000)
	TOTAL REDUCTIONS:	**($1,915,645)**
	DEPARTMENT OF REVENUE	
	POSITIONS - APPROX.	**(17)**

S.B. 1426 (Committee Substitute)(Continued)

SECRETARY OF STATE

BUDGET REDUCTIONS:		
	SALARY RESERVE	
1.	Reduce salary reserve of $101 by 1/2 and related benefits.	($61)
	PUBLICATIONS	
2.	Discontinue funding for production of the Voter Registration Tape. (Repeal G.S.163-66.1).	(42,259)
3.	UNIFORM COMMERCIAL CODE DIVISION Reduce data processing services funding.	(30,000)
	BUSINESS LICENSE INFORMATION OFFICE	
4.	Reduce funds for telephone and data processing services.	(25,000)
	SECURITIES REGISTRATION DIVISION	
5.	Reduce data processing funds for Investment Advisory registration.	(16,512)
	TOTAL REDUCTIONS: SECRETARY OF STATE	**($113,832)**

STATE TREASURER 1990-91

BUDGET REDUCTIONS:		
	SALARY RESERVE	
1.	Reduce salary reserve of $28,911 by 1/2 and related benefits.	($17,259)
	GENERAL ADMINISTRATION	
2.	Reduce required funding by increasing interdepartmental receipts.	(34,984)
	LOCAL GOVERNMENT OPERATIONS	
3.	Eliminate two vacant accounting positions, and reduce salaries and related benefits.	(74,535) (2)
4.	Reduce work processing costs by eliminating two publications.	(13,234)
	INVESTMENT MANAGEMENT	
5.	Reduce funding for equity investment advisory fees.	(24,299)
	TOTAL REDUCTIONS: STATE TREASURER	**($164,311)**
	POSITIONS	**(2)**

STATEWIDE RESERVES

BUDGET REDUCTIONS:		
	CONTINGENCY AND EMERGENCY	
1.	Reduce the funds budgeted for contingencies.) Special Provision: Amend Ch. 752, Sec. 50, 1989 S. L. to reduce allocations for contingencies in 1990-91 to $191,250.	($33,750)
	SALARY ADJUSTMENT FUND	
2.	Reduce the $375,776 appropriated for salary adjustments by 3%.	($11,273)
	TOTAL REDUCTIONS: STATEWIDE RESERVES	**($45,023)**

S.B. 1426 (Committee Substitute)(Continued)

DEBT SERVICE — GENERAL FUND

	1990-91
EXPANSION BUDGET:	
1. Increase appropriation for payment of debt service on $20.5 million bond issued in May, 1989 for new parking deck.	$1,908,300
Principal $1,575,000	
Interest 333,300	
Note: The Governor's recommended budget reflects an increase of a corresponding amount in the General Fund availability (non-tax revenue) from the collection of parking fees.	
2. Increase funding for payment of debt service on the proposed issuance of $73 million two-thirds bonds in December, 1990.	$2,737,500
(contingent upon enactment of SB 68)	
Principal 0	
Interest $2,737,500	
TOTAL INCREASE:	**$4,645,800**

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

	1990-91
BUDGET REDUCTIONS:	
1. Business/Industry Development --Reduce Rural Economic Development Center grant.	($60,000) State Aid
2. Administration -- Eliminate 1 vacant assistant secretary position.	(62,434) (1)
3. Science & Technology Center -- Eliminate 2 vacant positions.	(115,832) (2)
4. Industrial Commission -- Increase budgeted receipts.	(100,000)
5. Technological Development Authority -- Reduce research grants.	(200,000) State Aid
6. Hazardous Waste Management Commission -- Reduce reserve funds.	(50,000)
7. Business/Industry Development -- Reduce travel, communications and advertising.	(40,000)
8. International Development -- Reduce travel and advertising.	(25,000)
9. Travel & Tourism -- Reduce printing, postage and advertising.	(45,000)
10. Welcome Centers -- Reduce printing, postage and advertising.	(15,000)
11. Air Transportation Service -- Reduce repairs and maintenance.	(38,000)
12. Housing Program -- Eliminate 3 positions in next year's expansion budget.	(112,070) (3)
13. Rural Electrification Authority -- Reduce travel, subsistence and communications.	(1,200)
14. Energy Division -- Reduce reserve to match federal funds.	(6,000)
15. Economic Development Board -- Reduce travel and subsistence.	($5,000)

S.B. 1426 (Committee Substitute)(Continued)

16. Film Office -- Reduce advertising.	(3,000)
17. Small Business Development -- Reduce advertising.	(6,000)
18. Industrial Finance -- Reduce travel and subsistence.	(2,719)
TOTAL BUDGET REDUCTIONS	**($887,255)**
TOTAL POSITION REDUCTIONS	**(6)**

MICROELECTRONICS CENTER OF NORTH CAROLINA

	1990-91
BUDGET REDUCTIONS:	
1. Microelectronics -- Defer purchase of semiconductor process equipment.	($390,946)
2. Communications -- Deferral of equipment upgrades.	(93,878)
3. Supercomputing -- Decrease in variable operations -- specific line items to be determined.	(136,960)
4. Administration -- Decrease in building repair and maintenance.	(21,219)
TOTAL BUDGET REDUCTIONS	**($643,003)** State Aid

NORTH CAROLINA BIOTECHNOLOGY CENTER

BUDGET REDUCTIONS:	
1. Technology Transfer -- reduce biotechnology Economic Development loan funds to aid young biotechnology companies in research on feasibility of new products (expansion).	($98,916)
2. University Research -- reduce grants to university programs that have the potential for forming basis for new biotechnology products (expansion).	($150,000)
TOTAL BUDGET REDUCTIONS	**($248,916)** State Aid

DEPARTMENT OF AGRICULTURE

BUDGET REDUCTIONS:	
1. Public Affairs -- decrease postage. The Agricultural Review in the past has been published twice a month. As of April 1, 1990, it is published once a month.	($75,000)
2. Public Affairs -- decrease printing due to once a month publishing schedule for Agriculture Review.	(15,000)
3. State Farm Operations -- After a close review of the review collected from the sale of farm products, it is estimated that an additional $213,000 will be collected over the budgeted amount in 1990-91.	(213,000)
4. Veterinary Services -- The purchase price of some computer equipment was overbudgeted (expansion).	(60,000)
5. Veterinary Services -- In the time it takes to get the PC's ordered and the programs set up, it is estimated that some funds in data processing services can be saved (expansion).	(20,000)
6. WNC Development Association -- reduce grant-in-aid by 5%.	(2,000) State Aid
7. NC Museum of Life & Science -- reduce grant-in-aid by 5%.	(5,000) State Aid

S.B. 1426 (Committee Substitute)(Continued)

8.	Tobacco Museum -- reduce grant-in-aid by 5%.	($1,250) State Aid
9.	Multi-purpose Building -- reduce operating reserve for a capital project that has been placed on delayed status.	(4,000)
10.	Watercraft Center -- reduce operating reserve for a capital project that has been placed on delayed status.	(11,500)
11.	Research Stations -- delay purchase of other motor vehicles for 1 year. This will delay the purchases of tractors, combines, mowers and sprayers.	(248,600)
12.	Food Distribution -- delay purchase of replacement motor vehicles for one year.	(76,000)
13.	Aquaculture Program Reductions -- eliminate one position and associated fringe benefits, rent of offices and equipment.	(66,290) (1)
14.	State Farms -- delay purchase of replacement tractors for one year.	(72,011)
15.	Agronomic Services -- delay purchase of replacement motor vehicles for one year.	(42,672)
16.	Structural Pest -- delay purchaseof replacement vehicles for one year.	(20,000)
17.	Plant Protection -- delay purchase of replacement motor vehicles for one year.	(18,500)
18.	Horse Facilities -- raise the rates on the rental of horse stalls at the Western Horse Facility so that they will be comparable to the rates of the Raleigh Horse Facility. These rates are set administratively by the Department.	(43,200)
19.	Veterinary Services -- begin charging $20 per accession for necropsies (autopsies) performed on companion animals.	($85,000)
20.	Veterinary Services -- begin charging $10 per accession for histopathological exams performed on companion animals.	(100,000)
21.	Marketing -- eliminate two vacant positions, reduce contractual services and supplies.	(79,927) (2)
22.	Salary Reserve -- Reduce reserve and related benefits by one-half.	(37,233)
	TOTAL BUDGET REDUCTIONS	**($1,296,183)**
	TOTAL POSITION REDUCTIONS	**(3)**

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

BUDGET REDUCTION:

1.	Health Regional Offices -- Abolish two vacant positions.	($50,821) (2)
2.	Health Aid to Counties -- Reduce general health aid to counties.	(289,407) State Aid
3.	Parks and Recreation -- Abolish 2 positions and reduce temporary labor, travel, and equipment.	(243,652) (2)
4.	Zoological Park -- Reduce purchases.	(114,976)
5.	Soil and Water Conservation -- Reduce part of 1990-91 cost share expansion.	(406,095) State Aid
6.	Forest Resources	
	a. Central Office - Reduce travel, printing and communication	(79,006)

S.B. 1426 (Committee Substitute)(Continued)

	b. Field Operations - Reduce construction and repair, communications, motor vehicle operations, travel and heavy equipment purchases.	($688,457)
	c. Forest Pest Control - Abolish 1 forestry tech position.	(21,495) (1)
7.	Dental Health -- Convert a public health dentist into two public health dental hygienist positions. Eliminate 1 additional dentist.	(69,088)
8.	Epidemiology	
	a. Injury Control - Reduce moving expense budget.	(1,226)
	b. Occupational Health - Reduce travel and supplies. Eliminate 2 positions.	(107,331) (2)
	c. Communicable Disease Control - Reduce hospital infection control contract with UNC Medical School.	(136,848) State Aid
	d. TB Control - Eliminate hospitalization program.	(200,689) State Aid
	e. Environmental Epidemiology - Reduce support line items.	(23,580)
	f. Vital Records - Reduce equipment.	(22,279)
9.	Environmental Health	
	a. Reduce support line items.	(12,267)
	b. Pest Control Management - transfer 1/2 position to receipt support in Bedding Control	(33,066) (0.5)
	c. Reduce Environmental Health Aid to Counties.	(324,667) State Aid
	d. Reduce Mosquito Aid to Counties.	(100,000) State Aid
10.	Adult Health	
	a. Health Promotion - Reduce rent, training and evaluation.	(13,533)
	b. Health Care - Reduce indigent medical care (cancer and migrant programs).	(274,814) State Aid
	c. Epilepsy - Reduce education contract with Bowman-Gray School of Medicine.	($9,439) State Aid
	d. Reduce Adult Health Promotion & Program funds to counties.	(134,927) State Aid
	e. Reduce Hypertension Program funds to counties.	(20,373) State Aid
	f. Arthritis Program - Reduce funds to counties and other contractors.	(6,249) State Aid
11.	Public Health Laboratory -- Reduce supplies, travel and maintenance contracts.	(100,000)
12.	Water Resources -- Reduce travel, communications, printing, dataprocessing, USGS cooperative funds and equipment.	(55,525)
13.	Coastal Management -- Reduce supplies, travel, communications, printing and equipment.	(49,285)
14.	Environmental Management	
	a. Reduce lab equipment and administrative support.	(19,565)
	b. Ambient Air - Reduce contractors for monitoring and inventory.	(125,049)
	c. Groundwater - Reduce replacement trucks and supplies.	(56,522)
	d. Water Quality - Eliminate 2 positions.	(120,335) (2)

S.B. 1426 (Committee Substitute)(Continued)

e. Administrative - Abolish 1 position.	(28,880) (1)
f. Pesticide Contamination - Abolish 2 vacant positions and support line items.	(66,637) (2)
15. Land Resources	
a. USGS Cooperative Funding - Reduce revision of topographical maps.	(27,660)
b. Land Records Management - Reduce grant awards.	(114,532) State Aid
c. Geodetic Survey - Eliminate truck replacement.	($31,918)
d. Sedimentation, Mining and Dam Safety - Reduce support line items and equipment.	(40,222)
e. Reduce administrative support and eliminate one field position.	(40,362) (1)
16. Radiation Protection -- Reduce travel and equipment.	(35,280)
17. Marine Fisheries -- Reduce temporary labor, travel, communication, printing, data processing, supplies, equipment and the artificial reef program. These reductions shall *not* be made in Oyster Programs.	(231,509)
18. Maternal and Child Health	
a. Reduce support line items.	(12,600)
b. Eliminate Delivery Fund.	(240,000) State Aid
c. Reduce genetic screening contracts with UNC and Bowman-Gray.	(200,000) State Aid
d. Reduce funding to Sickle Cell Centers.	(100,000) State Aid
e. Reduce funding for adolescent Pregnancy Prevention Program.	(120,000) State Aid
TOTAL BUDGET REDUCTIONS	**($5,200,166)**
TOTAL POSITION REDUCTIONS	**(13.5)**

BUDGET EXPANSIONS:

19. Maternal and Child Health	
a. Expand Rural Obstetrical Care Incentive Program.	300,000 State Aid
b. Fund 4 teams of certified nurse midwives in critically underserved counties in east and west North Carolina.	400,000 State Aid
c. Fund one-time start-up grants to enable local health departments or community, rural, or migrant health centers to employ additional maternity care workers.	$500,000 State Aid
d. Expand genetic health care services through medical genetics centers.	900,000 State Aid
e. Provide a toll-free hotline for pregnant women; conduct an education awareness media campaign on the urgency of providing early, continuous, and good quality prenatal care to all women of childbearing age.	175,000

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f. Fund infant mortality grants in urban and rural counties with high infant mortality rates and large number of infant deaths to conduct community-wide efforts to reduce infant mortality. Includes 1 state position.	307,098 State Aid 42,902 (1)
g. Provide nutritional supplements under the Women, Infants, and Children program.	995,670 State Aid
20. N.C. Coalition on Adolescent Pregnancy -- Grant-in-aid to provide technical assistancein reducing the high incidence of infant mortality resulting from low birthweight babies born to adolescents.	$75,000
21. Bowman Gray School of Medicine -- Grant-in-aid to coordinate information and placement concerning open beds for neonatal intensive care services.	$60,000
22. Maternal and Child Health	
a. Fund intensive, statewide public education campaign to heighten public awareness of the danger to the fetus of alcohol and drug abuse during pregnancy.	205,000
b. Fund statewide campaign to educate health care professionals in early identification of women at risk for alcohol and drug abuse during pregnancy and to heighten the awareness of these professionals on the effects of such abuse on a developing fetus.	119,200
TOTAL EXPANSION BUDGET	**$4,079,870**
TOTAL EXPANSION POSITIONS	**(1)**
NET BUDGET REDUCTIONS	**($1,120,296)**
NET POSITION REDUCTIONS	**(12.5)**

DEPARTMENT OF LABOR

1. Migrant Housing Inspection -- reduce program.	($261,942) (7)
2. Salary Reserve -- Reduce reserve and related benefits by one-half.	(14,802)
TOTAL BUDGET REDUCTION	**($276,744)**
TOTAL POSITIONS REDUCTIONS	**(7)**

DEPARTMENT OF HUMAN RESOURCES

BUDGET REDUCTIONS:

DIVISION OF MEDICAL ASSISTANCE

1. Reductions due to revised estimates of patient utilization of Medicaid services for FY 90-91.	
Total Reduction	($17,131,214)
FFP Increase	8,731,206
Repeal of Catastrophic	(900,000)
OBRA 1989	1,201,644
Pregnant Minors	4,515,723
Net Reduction	($3,582,641)

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2.	Reductions due to increased administrative efficiency and programmatic oversight of the Medicaid program.	(1,377,280) 31
3.	Reductions due to changes in G.S. 108A-57 which makes individuals liable for reporting third party information to the Medicaid Program.	(211,575)
4.	Reductions due to rebates from pharmaceutical companies for drugs purchased by Medicaid beneficiaries.	(282,100)
5.	Reductions due to revised drug reimbursement policy as required by the Health Care Financing Administration.	(1,040,000)
6.	Reductions due to strengthening of prior approval process, utilization reviews, and post payment reviews for hospital and nursing care, and for home health care services.	(3,727,407)
7.	Reductions due to settlements from expediting nursing home audits.	(304,579) NR
8.	INFANT MORTALITY - Pregnant Women & Infants. Expand coverage to pregnant women and infants with family incomes equal to or less than 185% of the federal poverty guidelines, effective October 1, 1990.	$2,284,900
9.	INFANT MORTALITY - Physician Reimbursement for Maternity Care Services. Fund an increase in physician reimbursements for maternity care services. Effective October 1, 1990. The fee for comprehensive prenatal care and delivery services will increase from $925 to $1,100.	1,486,252
10.	INFANT MORTALITY - Case Management Services for High Risk Infants. Funds to pay for intensive case management services for high risk infants and children under age 5, who are at high risk for special health problems. Effective October 1, 1990.	1,120,360
11.	INFANT MORTALITY - Transportation for Medicaid Eligibles. Funds to provide counties with grants to support the non-federal share of providing transportation services to Medicaid eligibles. Effective October 1, 1990.	750,000 State Aid

STATE AID TO NON-STATE AGENCIES

1.	Children's Home Society. Funds to support adoptions placement services for infants with special medical needs.	100,000 State Aid

DIVISION OF SOCIAL SERVICES

1.	Eliminate the transfer of funds to the Employment Security Commission for medical examinations require by the federal Work Incentives Program (WIN). The WIN Program will terminate on September 30, 1990.	($27,000)
2.	Reduce funding for maintenance contracts on State owned equipment located in county department of social services.	(37,000)
3.	Budget increased federal Title IVB funds for state administrative costs in Child Welfare Services and reduce state appropriations.	(493,865)
4.	Budget one-time Social Services Block Grant funds to replace state funds in In-Home Services.	(1,200,000) NR State Aid
5.	Budget Prior Year Earned Revenues and Indirect Cost funds and reduce state appropriations.	(897,998) NR
6.	Reduce funding for the optional AFDC Emergency Assistance Program by 25%.	(348,997) NR

S.B. 1426 (Committee Substitute)(Continued)

7.	INFANT MORTALITY - Food Stamp Outreach: Funds to inform public and private agencies, community groups, and the general public about the Food Stamps Program. Funds to support 2 positions, printing and mailing costs.	72,818 (2)

DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

1.	Reduction due to increased receipts from the Medicaid Program for ICF nursing care provided in psychiatric hospitals and the Special Care Center in Wilson. Increased receipts are due to efforts to revise Medicaid reimbursement policies to capture the actual cost of care in public facilities.	($6,675,544)
2.	Adjust anticipated patient receipts in the MH/DD/SAS institutions to a more realistic level.	(6,639,288)
3.	Begin charging patients on an ability to pay basis for forensic evaluations performed by Dorothea Dix Hospital.	(618,087)
4.	Increase receipts at John Umstead Hospital by contracting with area programs in the North Central region for eleven detox beds.	($762,417)
5.	Reduce operational funding for 13 HUD group homes and 5 apartments for the Developmentally Disabled and 1 HUD home for the mentally ill based on refined completion time lines.	(550,340) NR State Aid
6.	Delay for one year the implementation of Phases 3 and 4 of the Pioneer Funding Project.	(1,233,500) NR State Aid
7.	Transfer to the General Fund $600,000 from a building depreciation reserve in the laundry interagency fund at Cherry Hospital.	(600,000) NR
8.	Funds to implement Early Intervention Services for handicapped infants and toddlers and their families (PL 99-457, Part H).	2,557,149 State Aid
9.	Funds to implement the recommendations of the NC Drug Cabinet:	
	a. Expand Parent to Parent Program.	25,000
	b. Establish a reserve in the Division to bring alcohol, drug abuse treatment centers into compliance with standards of the Joint Commission on the Accreditation of Hospitals.	450,000
	c. Expand availability of medical detoxification services.	85,000 State Aid
	d. Develop intensive outpatient services in all 41 area programs.	517,452 State Aid
	e. Develop 581 new half-way house beds for adults and adolescents.	189,858 State Aid
	f. Provide training for substance abuse professionals.	15,250
	g. Additional substance abuse staff for training schools.	60,000 State Aid
	h. Co-locate substance abuse counselors in health departments.	90,700 State Aid
	i. Expand the treatment alternatives to Street Crime Program (TASC)	61,000 State Aid

S.B. 1426 (Committee Substitute)(Continued)

DIVISION OF VOCATIONAL REHABILITATION SERVICES

1. Delay for five months the establishment of two new rehabilitation independent living programs. (Wilmington and Hickory). ($300,000) NR
2. Increase federal receipts available for direct client service and decrease state appropriations. (526,140) NR

DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING

1. Eliminate the practice of paying teachers in the schools for the deaf for unused portions of their annual leave. ($168,064) NR

DIVISION OF SERVICES FOR THE BLIND

1. Budget over-realized Medicaid receipts generated in the Personal Care Services Program. ($100,562) NR
2. Reduce the line item for supplemental assistance payments to blind people in rest homes. (39,863) NR

ALL DIVISION AND SECRETARY'S OFFICE

1. Reduce 2XXX through 5XXX line items budgeted across the Department for one year by delaying purchases. ($1,200,000) NR

OFFICE OF THE SECRETARY

1. Eliminate funds appropriated for the Cued Speech Center, Inc. of Wake County. ($50,000) NR
2. INFANT MORTALITY - Physician Recruitment: Funds to support the recruitment of physicians and nurse midwives to be located in medically underserved areas. 430,000

DIVISION OF YOUTH SERVICES

1. Funds to implement the recommendations of the NC Drug Cabinet: Increase the assessment capabilities to youth in each of the eleven detention centers. 97,500

DIVISION OF ECONOMIC OPPORTUNITY

1. Reduce "Aid to Community Action Agencies" funding to all community action agencies funded by this Division. ($52,619) NR State Aid

DEPARTMENT WIDE

1. Reduce salary reserve and related benefits by one-half. (799,403)

Total Recurring Reductions	**(26,273,607)**
Total Non-recurring Reductions	**(7,572,662)**
Total Reductions	**(33,846,269)**
Total Expansion	**10,393,239**
	(55)
Total Net Budget Change	**(23,453,030)**

DEPARTMENT OF TRANSPORTATION

	Highway Fund	1990-91
REVENUE SHORTFALL		**$33,449,313**

S.B. 1426 (Committee Substitute)(Continued)

ADDITIONAL REQUIREMENTS

1.	Driver Education Transfer	28,506,761
2.	Medium Custody Inmates Funding	2,883,856
3.	Keep North Carolina Beautiful	25,000
TOTAL ADDITIONAL REQUIREMENTS AND HIGHWAY FUND SHORTFALL		**$64,864,930**

BASE BUDGET REDUCTIONS

1.	Reduce special appropriation for highways	$63,371,451
2.	Highway Patrol reductions (3% and salary reserve)	3,031,035
3.	DMV reductions in various items (see attachment 1)	319,155
4.	Ferry Division reductions (see attachment 2)	373,298
TOTAL BASE BUDGET REDUCTIONS		**$67,094,939**

ADDITIONAL AVAILABILITY

1.	Powell Bill and Secondary Roads reductions due to lower revenues	$5,580,786
2.	Capital Improvement reversions	1,067,750
TOTAL ADDITIONAL AVAILABILITY		**$6,648,536**
TOTAL ADDITIONAL AVAILABILITY (BASE BUDGET REDUCTIONS AND ADDITIONAL AVAILABILITY)		**$73,743,475**
DIFFERENCE BETWEEN TOTAL AVAILABILITY AND TOTAL REQUIREMENTS		**$ 8,878,545**

PROPROSED SUPPLEMENTAL ITEMS

1.	Funds for increased SIPS usage and to begin systems conversion, and $25,000 for General Services postage increase	$2,775,000
2.	Division of Motor Vehicles	
	- increased postage, Commissioner's Office	260,000
	- General Serives for bar coding and inserter equipment	193,000
	- Enforcement and Vehicle Regulation for emission control expansion to Guilford and Forsyth Counties and equipment for new warehouse (19 additional positions)	785,816
	- Funds to implement the Commercial Driver Licensing program (16 positions)	2,719,552
3.	Reserves for Unforeseen Events to clean up contamination problems at asphalt plants ($2 mil) and to meet additional requirements for Fire Insurance and Payroll Additives ($145,177)	2,145,177
TOTAL SUPPLEMENTAL ITEMS		**$8,878,545**

S.B. 1426 (Committee Substitute)(Continued)

Attachment I

RECOMMENDED REDUCTIONS FOR
THE DIVISION OF MOTOR VEHICLES

		Governor's FY 90-91 Authorized	Senate FY 90-91 Reductions
BASE BUDGET			
I.	Commissioner's Office Reduce printing and binding for consumer education program.	$327,200	($51,000)
II.	Vehicle Registration Reduce budget in the following lines:		
	- Professional fees	36,125	(9,000)
	- Rent (moving from leased space in Charlotte to new DMV building by Jan.1991).	56,370	(28,685)
	- Temporary Labor (reduce summer employment)	299,645	(50,000)
	- Furniture	123,657	(60,000)
	- In-State Travel Subsistence	30,000	(11,512)
	- In-State Travel Transportation	82,141	(16,586)
III.	Driver Licensing Reduce services recieved from the Division of Highways	25,000	(15,000)
IV.	International RegistrationPlan (IRP) Eliminate 2 vacant Auditor positions due to change in the IRP Administrative Code requiring audits every 5 years instead of every three years.		(67,372)
V.	Enforcement, Inspection, Vehicle Registration Reduce Office Supplies	127,194	(10,000)
	Base Budget Reduction-DMV		($319,155)

S.B. 1426 (Committee Substitute)(Continued)

Attachment II

Mann's Harbor Marine Maintenance
1989-90 Expansion Budget Positions

Position No.	Title	Salary
09593	Marine Welder II	$20,772
09594	Marine Welder II	20,772
09563	Engineering Tech II	19,944
09564	Engineering Tech II	19,944
09573	Trades Worker II	17,652
09558	Clerk Receptionist II	13,973
09551	General Utility Worker	12,804
09581	Marine Painter	19,152
09557	Trades Worker I	15,012
09553	Trades Worker I	15,012
09555	Trades Worker I	15,012
09580	Marine Painter	19,152
09560	Trades Worker I	15,012
09567	Marines Parts Clerk	15,600
09585	Marine Shipfitter	21,672
09548	General Utility Worker	12,804
09598	Engineering Design Tech II	19,944
	Salaries	$294,233
	Retirement (11.74%)	34,542
	Social Security (7.65%)	22,508
	Medical ($1,295 each)	22,015
	Total Salaries and Benefits	$373,298

DEPARTMENT OF TRANSPORTATION

RECOMMENDED HIGHWAY FUND CHANGES
(Revised 6/14/90 - Senate Version)

	1990-91 Authorized	Recommended Change	Revised Amount
Department of Transportation:			
Department of Transportation General Administration	$ 28,349,470	$ 2,775,000	$ 31,124,470
Highway Division Administration	32,722,783	-	32,722,783
State Matching Funds - Federal Aid Planning and Research	2,136,210	-	2,136,210
Grant to Keep N.C. Beautiful		25,000	25,000
Construction Program:			
State Secondary System	$ 70,732,407	$ (2,790,393)	$ 67,942,014
State Urban System	20,000,000	-	20,000,000
Spot Safety Improvements	9,100,000	-	9,100,000
Access and Public Service Roads	2,000,000	-	2,000,000
State Matching Funds - Federal Aid	74,271,803	-	74,271,803
Special Appropriation - Highways	66,000,000	(63,371,451)	2,628,549 *
Total Construction program	$242,104,210	$(66,161,844)	$175,942,366

S.B. 1426 (Committee Substitute)(Continued)

Maintenance Program:			
Primary System	$ 77,903,523		$ 77,903,523
Secondary System	137,924,033		137,924,033
Urban System	21,021,422		21,021,422
Contracting Resurfacing	89,567,150		89,567,150
Total Maintenance Program	$326,416,150		$326,416,150
Ferry Operations	$ 16,027,640	(373,298)	$ 15,654,342
State Aid to Municipalities	70,732,407	(2,790,393)	67,942,014
State Aid - Public Transportation	4,894,063	-	4,894,063
Governor's Highway Safety Program	265,249	-	265,249
Division of Motor Vehicles	69,950,816	3,639,213	73,590,029
Driver's Education		28,506,761	28,506,761
Total - Department of Tranportation	$793,598,998	$(34,379,561)	$759,219,437
Other State Agencies:			
Agriculture	$2,470,577	-	$2,470,577
Revenue	1,805,436	-	1,805,436
Environment, Health and Natural Resources	6,533,000	-	6,533,000
Human Resources	344,988	-	344,988
Crime Control and Public Safety - Highway Patrol	83,953,714	(3,031,035)	80,922,679
Correction	1,750,000	2,883,856	4,633,856
Total - Other Agencies	$ 96,857,715	$ (147,179)	$ 96,710,536

	1990-91 Authorized	Recommended Change	Revised Amount
Reserves and Transfers:			
Reserve for Compensation Increase	$ 36,200,000	$ -	36,200,000
Reserve for Hospital/Medical Rate Increase	3,500,000	-	3,500,000
Salary Adjustment	600,000	-	600,000
Contingency and Emergency	100,000	-	100,000
OSHA Deficiencies	500,000	-	500,000
Reserve for Unforeseen Events	-	2,145,177	2,145,177
Total Reserves and Transfers	$ 40,900,000	$ 2,145,177	$ 43,045,177
Debt Service	37,392,600	-	37,392,750
Total Highway Fund Appropriation	$968,749,313	($32,381,563)	$936,367,750

*The reversion of $1,067,750 in capital funds was added to the Construction Program under the Special Appropriation - Highways.

S.B. 1426 (House Committee Substitute)
(July 11, 1990--See Page 188)

HOUSE
1990-91
BUDGET RECOMMENDATIONS

JULY 9, 1990

S/Representative David Diamont
Chairman
House Appropriations Committee

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S.B. 1426 (House Committee Substitute) (Continued) 1990-91

1990-91
HOUSE BUDGET RECOMMENDATIONS

	Budget Reduction	Expansion Funding	Management Flexibility	Total Net Change
Public Education	(111,607,145)	25,601,500	(50,948,170)	(136,953,815)
Community Colleges	(4,074,338)	8,622,046	(7,912,918)	(3,365,210)
University	(36,339,154)	114,186	(24,766,659)	(60,991,627)
General Assembly	(652,119)	-	(447,788)	(1,099,907)
Governor's Office	(147,761)	-	(101,462)	(249,223)
Lt. Governor	(18,434)	-	(12,658)	(31,092)
State Budget Office	(111,904)	-	(76,841)	(188,745)
Special Appropriations	-	-	(22,248)	(22,248)
Secretary of State	(113,771)	-	(78,122)	(191,893)
State Auditor	(243,544)	-	(167,285)	(410,829)
State Treasurer	(147,052)	-	(100,975)	(248,027)
Insurance	(403,074)	-	(276,690)	(679,764)
Administration	(1,525,232)	280,426	(1,047,326)	(2,292,132)
State Controller	(166,298)	-	(114,191)	(280,489)
Revenue	(1,703,372)	-	(1,169,649)	(2,873,021)
Cultural Resources	(1,207,657)	-	(829,258)	(2,036,915)
Board of Elections	-	-	-	-
Administrative Hearings Office	(62,288)	-	(42,771)	(105,059)
Administrative Rules Review	(8,166)	-	-	(8,166)
Judicial	(6,459,241)	550,000	(4,022,067)	(9,931,308)
Justice	(1,670,099)	184,852	(1,060,468)	(2,545,715)
Corrections	(10,994,371)	20,500,401	(8,635,480)	870,550
Crime Control & Public Safety	(922,028)	165,000	(605,653)	(1,362,681)
Agriculture	(1,258,950)	-	(864,479)	(2,123,429)
Labor	(266,452)	-	(179,867)	(446,319)
Environment, Health and Natural Resources	(2,601,452)	4,637,047	(3,570,781)	(1,535,186)
Economic & Community Development	(887,255)	-	(609,249)	(1,496,504)
Microelectronics Center	(3,071,670)	-	(441,529)	(3,513,199)
Biotechnology Center	(414,860)	-	(170,922)	(585,782)
Transportation - Aeronautics	-	-	(134,241)	(134,241)
Transportation - Railroads	(66,002)	-	-	(66,002)
Human Resources	(33,021,869)	27,990,420	(23,176,546)	(28,207,995)
Contingency and Emergency Fund	-	-	(23,175)	(23,175)
Salary Adjustment Fund	-	-	(7,741)	(7,741)
Reserve for Accounting System	-	3,000,000	-	3,000,000
Debt Service	-	4,720,800	-	4,720,800
	($220,165,558)	96,366,678	(131,616,209)	($255,416,089)

S.B. 1426 (House Committee Substitute) (Continued) 1990-91

DEPARTMENT OF PUBLIC EDUCATION

	1990-91
BUDGET REDUCTIONS	
DEPARTMENT OF PUBLIC INSTRUCTION:	
1. Reductions in departmental budget.	($1,657,231)
2. Reduction in salary reserve funds.	(93,466)
SUBTOTAL - REDUCTIONS, DEPARTMENT OF PUBLIC INSTRUCTION	(1,750,697)
PUBLIC SCHOOL FUND:	
1. **Adjustments in the Public School Fund** - Reduction due to adjustments in average daily membership and average teacher salary.	(8,653,661)
2. **Career Development Program** - Reduce 16 career development pilot systems to full Senate Bill 2 funding (7% of payroll).	(4,693,368)
3. **School Bus Replacement** - Delay purchase of school buses for one year except for pre-1977 bus replacement and emergency reserve.	(22,500,000)
4. **Basic Education Program** - Defer some portions of the Basic Education Program.	(66,009,419)
5. **Student Transportation** - Reduce budget by 5% due to lower fuel costs and improved efficiency.	(5,500,000)
6. **Tort Claims** - Reduce budget because of lower claims experience.	(2,000,000)
7. **Prospective Teacher Scholarship Loans** - Reduce budget by anticipated repayments received.	(500,000)
SUBTOTAL- REDUCTIONS, PUBLIC SCHOOL FUND	($109,856,448)
TOTAL REDUCTIONS - PUBLIC EDUCATION	**($111,607,145)**
EXPANSION BUDGET	
PUBLIC SCHOOL FUND	
8. **Senate Bill 2** - Full funding for Senate Bill 2 in FY 1990-91.	19,703,746
9. **Handicapped Children, Ages 3 & 4.**	3,680,960
SUBTOTAL - PUBLIC SCHOOL FUND	23,384,706
DEPARTMENT OF PUBLIC INSTRUCTION	
1. **Drug Prevention Programs** Phase one of the expansion and development of K-6 curriculum on drug and alcohol prevention education programs.	97,850
K-12 drug and alcohol prevention as a part of the Basic Education Program.	400,000
Grades 7-12 education program on the effects of drugs on a developing fetus.	250,000
Evaluations of drug prevention programs. Expansion of DARE into all 5th and 6th grade classes 5 positions.	250,000 300,264
Implement eight student assistance programs.	468,680
Implement and evaluate eight Peer Self-Help programs.	450,000
SUBTOTAL - DEPARTMENT OF PUBLIC INSTRUCTION	2,216,794
TOTAL EXPANSION-DEPARTMENT OF PUBLIC EDUCATION	25,601,500
TOTAL NET BUDGET CHANGE	**($86,005,645)**

S.B. 1426 (House Committee Substitute) (Continued) 1990-91

DEPARTMENT OF COMMUNITY COLLEGES

BUDGET REDUCTIONS

1.	Reduce the budget of the Department of Community Colleges by 3% in a negative reserve.	($329,826)
2.	Reduce the budget of the Vocational Textile School by 2% in a negative reserve.	(13,308)
3.	Reduce the community colleges' budget by 1% in a negative reserve.	(3,724,626)
4.	Reduce salary reserve funds by half.	(6,578)

TOTAL REDUCTIONS ($4,074,338)

EXPANSION BUDGET

1.	Fully fund Community College enrollments through a combination of appropriation and tuition increases.	Gen. Fund Total Requirements:	$15,333,086
		Tuition Receipts:	($6,711,040)
	Raises in-state tuition from $90 to $105 a quarter and out-of-state from $840 to $981 a quarter. Also increases occupational extension fee from $15 to $25 a course.	Net Gen. Fund Appropriation:	$8,622,046

TOTAL EXPANSION $8,622,046

TOTAL NET BUDGET CHANGE $4,547,708

UNIVERSITY OF NORTH CAROLINA
BOARD OF GOVERNORS 1990-91

BUDGET REDUCTIONS

UNIVERSITY OPERATIONS

1.	UNC General Administration: Eliminate 19.5 positions and non-personnel support.	(829,680)
2.	Distinguished Professors Endowment Trust Fund: Reduce budgeted amount by 50%.	(1,000,000)
3.	Need-Based Scholarships: Eliminate the 90-91 budgeted increase.	(500,000)
4.	Elizabeth City State Incentive Scholarship Funds: Eliminate 90-91 expansion because existing funding is sufficient to cover projected costs.	(500,000)
5.	Impose Temporary Additional Fees: Increase tuition charges by $41.50 per full-time in-state student and $83 per full-time non-resident student to reduce appropriations. UNC proposed this as a one-time fee.	(5,682,720)
6.	Eliminate 206.7 Full-Time Equivalent Teaching Faculty Positions: This is a pro-rata reduction of 2.4% of budgeted teaching positions.	(11,296,736)
7.	Eliminate 51.6 Full-Time Equivalent Non-Teaching Faculty Positions: This is a pro-rata reduction of 2.4% of budgeted non-teaching positions which are exempt from the State Personnel Act (EPA).	(2,121,412)
8.	Eliminate 241.2 SPA Positions: This eliminates 68% of the number of positions frozen by the Office of State Budget and Management.	(5,294,216)

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

9. Other Reductions in Operating Budgets:
This includes $653,295 in building operating reserves, and miscellaneous reductions by campus. (3,964,552)
10. Salary Reserves Eliminate 50% of salary reserves. (271,587)

SUBTOTAL BUDGET REDUCTIONS UNIVERSITY OPERATIONS **($31,460,903)**

UNIVERSITY OF NORTH CAROLINA HOSPITALS
Reduce General Fund operating funds by 3%. (1,159,170)

RELATED EDUCATIONAL PROGRAMS
Reduce various programs by 3%. (1,385,469)

N.C. SCHOOL OF SCIENCE AND MATHEMATICS
Reduce operating budget by 3%. (230,356)

AGRICULTURAL PROGRAMS
Reduce budget by 3%. (2,103,256)

TOTAL BUDGET REDUCTIONS **($36,339,154)**

EXPANSION

CENTER FOR ALCOHOL STUDIES ENDOWMENT
1. A portion of the estimated receipts from increase in Driver's License Restoration Fee for DWI suspensions are used to fund the Center for Alcohol Studies Endowment at UNC-Chapel Hill as directed in Section 4, Chapter 786, 1989 Session Laws. 114,186

TOTAL NET CHANGE **(36,224,968)**

DEPARTMENT OF CORRECTION

BUDGET REDUCTIONS

DEPARTMENTAL MANAGEMENT
1. Reduce funds for the following items for operating expenses in Fund 1110:

Office supplies	(18,680)
Data processing supplies	(1,220)
Travel	(20,070)
Equipment repair	(9,300)
Postage	(3,687)
Telephone	(8,993)
Service contracts	(20,952)
Motor vehicle operations	(21,000)
Vehicle add ons	(3,000)
Office equipment	(22,086)
Reference books	(1,291)
Rent	(6,360)
Dues and subscriptions	(11,952)
Instructional equipment	(3,835)
Employee educational	(8,949)
Intra-agency service	(4,107)
Other equipment	(1,800)
Utilities	(1,200)

DIVISION OF PRISONS - DIVISION MANAGEMENT
1. Reduce funds for equipment in Fund 1210 (8,126)

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

DIVISION OF PRISONS - CUSTODY AND SECURITY		
3. Delete Correctional Officer positions and utility and maintenance expense for classroom construction.	(406,692)	(E)
Classrooms will not be available until FY 1991-92.	(14)	
4. Delete Correctional Sergeant positions for the smallest minimum custody units.	(315,284)	(E)
	(17)	
5. Delete in-service Training Coordinator positions for Area Offices.	(211,394)	(E)
	(6)	
6. Delete Stenographer positions for field unit superintendents.	(136,416)	(E)
	(5)	
7. Delete Correctional Officer positions at prison units not included in *Small v. Martin* and not currently under lawsuits.	(1,083,501)	(E)
	(63)	
8. Reduce equipment line items for lockers for new units and pay for them out of Welfare Fund.	(310,524)	(E)
9. Reduce heating line item.	(500,000)	
10. Reduce equipment and telephone line items (radios, walkie talkies, data processing equipment, training equipment and telephone systems).	(405,000)	
11. Reduce data processing equipment and cancel purchase of field communication equipment.	(62,000)	(E)
12. Reduce out-of-state travel to conferences.	(96,358)	
13. Reduce purchase of safety equipment (metal storage buildings, metal cabinets, emergency generators, and air packs) for units not under litigation.	(258,000)	(E)
14. Reduce purchase of janitorial supplies.	(200,000)	
15. Reduce purchase of equipment.	(80,000)	(E)
DIVISION OF PRISONS - HEALTH SERVICES		
16. Delete positions for expanded mental health services.	(196,048)	(E)
	(13)	
17. Delete vacant positions in health services.	(335,371)	
	(12)	
18. Reduce contractual medical services.	(360,584)	
19. Reduce purchase of medical equipment.	(75,000)	(E)
DIVISION OF PRISONS - EDUCATIONAL SERVICES		
20. Reduce contractual services for music teacher at Western Correctional Center and ECONO College (UNC correspondence courses).	(20,000)	
21. Delete vacant teacher positions for adult inmates.	(125,470)	
	(4)	
22. Reduce academic and vocational supply line items and pay for them from Welfare Fund.	(268,630)	
DIVISION OF PRISONS - PROGRAM SERVICES		
23. Delete program clerical positions at field units.	(520,206)	(E)
	(23)	
24. Reduce contractual services, for substance abuse programs, to actual expenditure level for FY 1989-90.	(28,965)	
DEPARTMENTWIDE		
25. Reduce Salary Reserve balance (5/17/90) and related Social Security and Retirement by one-half.	(66,455)	
SUBTOTAL REDUCTIONS	($6,238,506)	
	(157)	
RECEIPTS		
26. Increase receipts for meals purchased from the Department of Correction. Charge per meal is to increase from $1.25 to $1.75 prior to tax being added.	(398,181)	

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

27.	Re-negotiate contract with Department of Transportation to cover costs incurred for providing medium custody inmates for road squads.	(2,883,856)
28.	Increase receipts for unsentenced safekeepers sent by counties to Division of Prisons. Payment is $12.50/day.	(319,500)
29.	Increase receipts from counties for medical expenses for unsentenced safekeepers sent to the Division of Prisons.	(319,728)
30.	Increase receipts for per diem charge to inmates on Work Release from $8.00/day to $10.00/day.	(834,600)
	SUBTOTAL DEPARTMENTAL RECEIPTS	($4,755,865)
	TOTAL GENERAL FUND REDUCTIONS	**($10,994,371)**
		(157)

EXPANSION BUDGET

1.	Expand the Electronic House Arrest Program during FY 1990-91 to an additional 2,000 State probationers and parolees and 1,000 offenders supervised by local officials.	$1,925,742	
	These offenders are at high risk of incarceration or reincarceration (HB 2290)	2,917,430	NR
		(31)	
2.	Expand the Intensive Supervision Probation/Parole Program to supervise an additional 3,038 offenders in FY 1990-91. (HB 2290)	7,462,663	
		(253)	
3.	Raise the per diem payment from $12.50 to $14.50 per day for State inmates serving sentences of 30 days or more in local confinement facilities. (HB 2292)	604,678	
4.	Funds for Southern Appalachia Mainstream, Inc., a community-based residential program for offenders who are being paroled or released and are in need of residence plans, community service jobs, and/or social readiness skills. (HB 2291)	190,000	
5.	Provide funds for three additional Parole Case Analysts and three stenos to the Parole Commission to reduce case workload.	195,687	
		(6)	
6.	Increase funds for per diem items for inmates due to March 6, 1990 prison cap increase from 18,000 to 18,715 inmates.	1,684,298	
7.	Increase funds for per diem items for inmates due to additional increase in prison cap from 18,715 to 20,435 being proposed for FY 1990-91.	1,405,661	
8.	Provide funds for the early opening of dormitories at Sampson, Franklin, and Columbus County prison units.	907,882	
9.	Provide funds for the early opening of prison dormitories and facilities not previously budgeted for FY 1990-91.	$2,316,735	
		(145.50)	
10.	Provide operating funds for dormitories constructed with funds reallocated from other capital funds.	2,463,838	
		(156)	
11.	Funds for early startup of Correctional Officer positions at Wake Correctional Center.	138,416	
12.	Fund additional positions for the Combined Records section to keep offender records up-to-date.	62,976	
		(2)	
	SUBTOTAL OPERATING EXPANSION	**$22,276,006**	
	SUBTOTAL EXPANSION POSITIONS	**(593.50)**	

RECEIPTS

13.	Decrease appropriation due to increased receipts from counties for safekeepers sent by counties to Division of Prisons. Per diem to increase from $12.50 to $14.50.	($103,595)

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ALLOCATION OF FY 1990-91 RESERVE ALREADY APPROPRIATED

14.	In 1989, $1,672,010 was appropriated for FY 1990-91 in a reserve to the Department of Correction to be allocated by the 1990 Session of the General Assembly. These funds are to be ued to offset early operational costs for the additional facilities noted above.	($1,672,010)
TOTAL OPERATING EXPANSION		**$20,500,401**
TOTAL POSITIONS		**(593.50)**
TOTAL NET BUDGET CHANGE		**$9,506,030**

JUDICIAL DEPARTMENT

BUDGET REDUCTIONS

1.	Surplus in Assistant and Deputy Clerk and Magistrates' Reserve for Pay Plans.	(550,000)	
2.	Reduce Service and Maintenance contracts for equipment (telephones, copiers, typewriters).	(300,000)	
3.	Reduce Overtime for permanent employees.	(40,933)	
4.	Reduce Premium Payments for employees.	(2,164)	
5.	Reduce Unemployment Compensation line item.	(22,023)	
6.	Reduce Workers' Compensation line item.	(52,824)	
7.	Reduce Temporary Salaries line item.	(877,796)	
8.	Reduce Equipment (data processing, copiers, typewriters).	(1,195,660) (750,000)	(E)
9.	Reduce Operational Expenses (dues, subscriptions, registration fees).	(100,000)	
10.	Reduce Supplies and Materials line item.	(325,000)	
11.	Reduce Telephone Services	(35,581)	
12.	Reduce Travel line items: Suspend judicial rotation in Superior Court for 3 months of each 6-month term Reduce Travel - District Court Reduce Travel - District Attorneys Reduce Travel - Continuing education, judicial conferences	(125,000) (20,000) (30,000) (50,000)	
13.	Reduce line item for Contractual Emergency Judges. (Reduction of 1667 to 973 days)	(104,960)	
14.	Reduce Contractual Court Reporters	(100,700)	
15.	Reduce Contractual Assistant District Attorneys and Assistant Public Defenders.	(25,477)	
16.	Reduce Contractual Services for General Administration and Information Services for Bench Book and Patterned Jury Instruction books and programming services.	(25,000)	
17.	Reduce expansion funds for Dispute Settlement Centers (Durham, Buncombe, Henderson).	(9,500)	(E)
18.	Reduce expansion funds for court ordered Arbitration Program in civil matters not exceeding $15,000 (Mecklenburg, New Hanover, Guilford, Forsyth, Wake).	(150,000)	(E)
19.	Reduce expansion funds for Custody Mediation Program grants (Buncombe).	(50,000)	(E)
20.	Reduce Continuing Education Expense for judges.	(25,000)	
21.	Delay effective date of all new 1990-91 Judicial Department positions, with the exception of judges, until April 1, 1991.	(1,291,644)	

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22. Reduce Salary Reserve balance (5/17/90) and related Social Security and Retirement by one-half. (199,979)

TOTAL GENERAL FUND REDUCTIONS **($6,459,241)**

EXPANSION BUDGET

1. Utilize lapsed salaries to cover the costs of the extended terms of office for special superior court judge. (Cost = $61,260. No additional appropriation needed.) —
2. Utilize funds available for FY 1990-91 to meet additional operating expenses for office, warehouse and print shop rental, supplies, jury and witness fees, court record book restoration, telephone system repairs, moving related expenses, indigent persons' attorney fees, and postage due to increased postage rates (Cost = $1,530,000. No additional appropriation needed.) --
3. Fund Sentencing and Policy Advisory Commission 550,000
(7)
4. Utilize funds available to the Department to pay for resentencing hearings for capital cases. (Cost = $500,000. No additional appropriation needed.) --
5. Utilize up to $759,292 of funds appropriated to the Indigent Persons' Attorney Fee Fund for salaries, benefits, and related expenses for the Office of Public Defender to be established in Defender District 14 effective July 1, 1990. (Cost = $759,292. No additional appropriation needed.) --
(15)
6. Utilize funds available to the Department to support the existing Rape Victim Witness Counselor Program for Brunswick/Bladen/and Columbus Counties or the Custody Mediation Program in Buncombe County. (Cost = $25,000. No additional appropriation needed.) --

TOTAL OPERATING EXPANSION **550,000**

TOTAL EXPANSION POSITIONS **(22)**

TOTAL NET BUDGET CHANGE **($5,909,241)**

DEPARTMENT OF JUSTICE

BUDGET REDUCTIONS

SALARY RESERVE

1. Reduce salary reserve of $77,350 and related benefits by one-half. ($46,174)

ADMINISTRATION

2. Reduce administrative expenses in three categories from 1989-90 levels: (16,000)
   - Supplies & Travel - 11,000
   - Office furn. & Equip. - 2,000
   - Data processing - 3,000

LEGAL SERVICES

3. Delete authorized expansion funds for increased travel. (80,300)
4. Reduce telephone and postage. (30,000)
5. Delay installation of the Barrister Legal Automation System. (100,000)

STATE BUREAU OF INVESTIGATION

6. Reduce Division of Criminal Information (DCI) line costs. (40,000)

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7. Abolish overtime payments to the five (5) Assistant Directors and to the Chief Investigator.	(31,000)
8. Reduce SBI Management/Supervisory training.	(57,000)
9. Eliminate reimbursements to boards and commission members.	(18,000)
10. Reduce Laboratory equipment expenditures.	(200,000)
11. Eliminate replacement of approximately fifteen (15) vehicles.	(240,000)
12. Eliminate two (2) vacant positions in the Financial .	($91,259)
Crime Section	(2)
13. Abolish thirteen (13) vacant agent positions.	(458,866)
	(13)
14. Reduce expenditures for law enforcement equipment.	(100,000)
TRAINING AND STANDARDS	
15. Reduction in force (1% of Net Appropriation)	(50,000)
of two (2) positions - salaries and benefits.	(2)
16. Implement general across-the-board reductions (1/2 of 1%) in operating expenses and reduce sub-programs (travel, equipment, maintenance and repairs, employee training, utilities, etc.).	(50,000)
SUBTOTAL REDUCTIONS	($1,608,599)
	(17)
RECEIPTS	
17. Budget programmed increases in receipts in the Law Enforcement Liaison Unit per authority of G.S. 114-8.2.	($43,500)
18. Budget fees authorized per G.S. 114-8.2 that are charged to Boards and Commissions which utilize legal services from the Department of Justice.	(18,000)
SUBTOTAL RECEIPTS	($61,500)
TOTAL BUDGET REDUCTIONS	**($1,670,099)**
TOTAL POSITION REDUCTIONS	(17)
EXPANSION BUDGET	
1. Provide funding to support four additional training schools to complete statewide expansion of the Drug Abuse Resistance Education Program (DARE).	$184,852
	(2)
TOTAL NET BUDGET CHANGE	**($1,485,247)**
TOTAL NET POSITION REDUCTIONS	(15)

DEPARTMENT OF CRIME CONTROL & PUBLIC SAFETY

BUDGET REDUCTIONS

HIGHWAY FUND

HIGHWAY PATROL	
1. Reduce salary reserve of $662,021 and related benefits by one-half.	($411,745)
2. Delete three (3) data processing positions.	(135,013)
	(3)
3. Adjust the clothing allowance ($500) for troopers assigned to the Governor's Security to agree with the rate of payment to SBI agents ($400 per year).	(1,700)
4. Eliminate replacement by approximately 163 vehicles.	(2,272,972)
5. Reduce funding in the following areas:	
Fuels and lubricants	(35,088)
Tires and tubes	(40,673)

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Parts and labor	(33,277)
Helicopter Operations	(50,000)
Travel	(62,500)
Educational expense	(48,000)
Office furniture and equipment	(12,206)
Communication equipment	(33,811)
Data processing equipment	(30,763)
TOTAL HIGHWAY FUND (HP) REDUCTIONS	**($3,167,748)**
TOTAL POSITION REDUCTIONS	**(3)**

GENERAL FUND

BUDGET REDUCTIONS

SALARY RESERVE	($32,939)
1. Reduce salary reserve of $55,178 and related benefits by one half.	
ADMINISTRATION	(46,771)
2. Delete the Data Processing Services position authorized for FY 90-91	(1)
NATIONAL GUARD	(260,267)
3. Reduce state costs for telephone service by charging appropriate expenses to the federal government.	
CIVIL AIR PATROL	(40,000)
4. Eliminate the vacant Administrative Officer position (Pos. #4930-0000-0000-390), and make additional adjustments in accordance with audit recommendations.	(1)
EMERGENCY MANAGEMENT	(53,087)
5. Delete an Emergency Management Officer Position	(1)
VICTIM & JUSTICE SERVICES	(184,287)
6. Reduce the expansion of Community Penalties Program.	
7. Reduce in-state Travel/Transportation.	(48,964)
GOVERNOR'S CRIME COMMISSION	(95,713)
8. Eliminate two of three vacant positions - Criminal Justice Planner II, Pos. #4970-0000-0001-215 ($32,148); and Criminal Justice Planner II, Pos. #4970-0000-0001-217	(2) ($41,436)
9. Reduce match for Drug Enforcement grants to State agencies.	(110,000)
10. (The following funds will be cut in the areas of: Travel, Printing, Cleaning Supplies, Motor Vehicle Operations, Communications, Other Equipment, or Utilities)	
Butner Public Safety	(25,000)
Crime Prevention	(25,000)
TOTAL GENERAL FUND REDUCTIONS	**($922,028)**
TOTAL POSITION REDUCTIONS	**(5)**

EXPANSION BUDGET

1. Provide funds to Summit House, a community-based residential alternative for pregnant women convicted of nonviolent crimes.	$165,000 State Aid
TOTAL NET BUDGET CHANGE	**($757,028)**
TOTAL POSITION REDUCTIONS	**(5)**

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DEPARTMENT OF HUMAN RESOURCES

DIVISION OF MEDICAL ASSISTANCE

1. Reductions due to revised estimates of patient utilization of Medicaid services for FY 90-91.

Total Reduction	($17,131,214)
FFP Increase	8,731,206
Repeal of Catastrophic	(900,000)
OBRA 1989	1,201,644
Pregnant Minors	4,515,723
Net Reduction	($3,582,641)

2. Reductions due to increased administrative efficiency and programmatic oversight of the Medicaid program. (1,377,280)
31
3. Reductions due to changes in GS 108A-57 which makes individuals liable for reporting third party information to the Medicaid program. (211,575)
4. Reductions due to rebates from pharmaceutical companies for drugs purchased by Medicaid beneficiaries. (282,100)
5. Reductions due to revised drug reimbursement policy as required by the Health care Financing Administration. (1,040,000)
6. Reductions due to strengthening of prior approval process, utilization reviews, and post payment reviews for hospital and nursing care, and for home health care services. (3,727,407)
7. Reductions due to settlements from expediting nursing home audits. (304,579) NR
8. Infant Mortality/Pregnant Women & Infants. Expand coverage to pregnant women and infants with family incomes equal to or less than 185% of the federal poverty guidelines effective October 1, 1990. 2,284,900
9. Infant Mortality/Physician Reimbursement for Maternity Care Services. Fund an increase in physician reimbursements for maternity care services effective October 1, 1990. The fee for comprehensive prenatal care and delivery services will increase from $925 to 1100. 1,486,252
10. Infant Mortality Case Management Services for High Risk Infants. Funds to pay for intensive case management services for infants and children under age 5 who are at high risk for special health problems effective October 1, 1990. 1,120,360
11. Infant Mortality/Transportation for Medicaid Eligibles. Funds to provide counties with grants to support the non-federal share of providing transportation services to Medicaid eligibles effective October 1, 1990. 750,000 State Aid

STATE AID TO NON-STATE AGENCIES

1. Infant Mortality/Childrens Home Society. Funds to support prenatal counseling for pregnant women and adoption placement services for infants with special medical needs. 100,000 State Aid

DIVISION OF SOCIAL SERVICES

1. Reduce the State Abortion Fund from $424,000 to $100,000 and allow these funds to be used only in those pregnancies that are the result of rape of incest; or where the woman is mentally retarded; or where, in the opinion of two doctors the mother's life is endangered or her health (exclusive of mental or psychological Health) is gravely impaired by the pregnancy. ($324,000)

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2.	Eliminate the transfer of funds to the Employment Security Commission for medical examinations required by the federal Work Incentives Program (WIN). The WIN Program will terminate on September 30, 1990.	(27,000)	
3.	Reduce funding for maintenance contracts on State owned equipment located in county department of social services.	(37,000)	
4.	Reduce appropriations in the Child Foster Care Payment Program by increasing receipts from Child Support Collections.	(50,000)	
5.	Budget increased federal Title IVB funds for state administrative costs in Child Welfare Services and reduce state appropriations.	(493,865)	
6.	Budget Prior Year Earned Revenues and Indirect Cost funds and reduce state appropriations.	(897,998)	NR
7.	Budget one time Social Services Block Grant funds to replace state funds for In-Home Services.	(1,200,000) State Aid	NR
8.	Infant Mortality/Food Stamp Outreach Funds To inform public and private agencies and community groups, and the general public about the Food Stamp Program Funds to support estate level positions, materials, printing and mailing costs.	72,818 (2)	
9.	Aid To Families With Dependent Children Program. Funds to support the cost of reductions in federal participation rates, lower than anticipated offsets from child support collections and rising AFDC caseloads.	7,105,446	
10.	JOB's Opportunities and Basic Skills Training Program. Funds to support state and county implementation of the JOBS program. Forty counties will implement October 1, 1990. A total of 55 counties will have programs by June 1991. Worker Training Trust funds will support $2,000,000 in expansion requirements for JOBS in FY 90-91.	1,008,240 918,957 (6)	 NR
11.	Foster Care Program. Funds to support increased costs for foster care due to rising number of children needing placement.	2,422,860	
12.	State/County Special Assistance Program. Funds to support the cost of rising caseloads of persons in domiciliary care homes.	219,393	
13.	Child Support Enforcement. Funding to offset a reduction in the level of federal financial participation and to offset underrealized receipts in Incentive payments to the state.	114,776	
14.	Domiciliary Care Homes Rate Increase: Funds to raise rates for domiciliary care homes by 3% effective January 1, 1991. Social Services: $1,319,394 Services for the Blind: $9,450	1,328,844	

DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

1.	Reductions due to increased receipts from the Medicaid Program for ICF nursing care provided in psychiatric hospitals and the Special Care Center in Wilson. Increased receipts are due to efforts to revise Medicaid reimbursement policies to capture the actual cost of care in public facilities.			
	Broughton Hospital	($2,122,742)		
	Cherry Hospital	(1,191,321)		
	John Umstead Hospital	(637,183)		
	Special Care Center	(2,724,298)		
			(6,675,544)	

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2. Adjust anticipated patient receipts in the MH/DD/SAS institutions to a more realistic level.

Broughton Hospital	($504,095)
Cherry Hospital	259,210
Dorothea Dix Hospital	1,465,582
John Umstead Hospital	9
Black Mountain Center	(360,370)
Caswell Center	3,753,347
Murdoch Center	593,484
O'Berry Center	1,175,094
Western Carolina Center	204,615
Black Mountain ADATC	5,429
Butner ADATC	30,222
Walter B. Jones ADATC	(53,403)
North Carolina Special Care Center	70,164
	($6,639,288)

3. Begin charging patients on an ability to pay basis for forensic evaluations performed by Dorothea Dix Hospital. (618,087)
4. Increase receipts at John Umstead Hospital by contracting with area programs in the North Central Region for eleven detox beds. (762,417)
5. Reduce operational funding for 13 Developmental Disabilities HUD group homes, 5 apartments, and 1 mentally ill HUD home based on refined completion time lines. (550,340) NR State Aid
6. Delay for one-year the implementation of Phases 3 and 4 of the Pioneer Funding Project. (1,233,500) NR State Aid
7. Funds to implement early intervention services for handicapped infants and toddlers and their families (PL 99-457, Part H). 6,300,000 State Aid
8. Transfer to the General Fund $600,000 from a building depreciation reserve in the laundry interagency fund at Cherry Hospital. (600,000) NR
9. Funds to implement the recommendations of the NC Drug Cabinet:
   a. Expand Parent to Parent Program. 25,000
   b. Establish a reserve in the Division to bring alcohol, drug abuse treatment centers into compliance with standards of the Joint Commission on the Accreditation of Hospitals. 450,000
   c. Expand availability of medical medical detoxification services. 85,000 State Aid
   d. Develop intensive out-patient services in all 41 area programs. 517,452 State Aid
   e. Develop 581 new half-way house beds for adults and adolescents. 189,858 State Aid
   f. Provide training for substance abuse professionals. 15,250
   g. Additional substance abuse staff for training schools. 60,000 State Aid
   h. Co-locate substance abuse counselors in health departments. 90,700 State Aid
   i. Expand the treatment alternatives to Street Crime Program (TASC) 61,000 State Aid
10. Operational Funds for the Alzheimer's Unit at Black Mountain Center. 735,814

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DIVISION OF VOCATIONAL
REHABILITATION SERVICES

1. Delay for five months the establishment of two new rehabilitation independent living programs. (Wilmington and Hickory). (300,000) NR
2. Increase federal receipts available for direct client services and decrease state appropriations. (526,140) NR

DIVISION OF SERVICES FOR THE DEAF
AND HARD OF HEARING

1. Eliminate the practice of paying teachers in the schools for the deaf for unused portions of their annual leave. (168,064) NR

DIVISION OF SERVICES FOR THE BLIND

1. Budget overrealized Medicaid receipts generated in the Personal Care Services Program (100,562) NR
2. Reduce the line item for supplemental assistance payments to blind people in rest homes. (39,863) NR

DIVISION OF ECONOMIC OPPORTUNITY

1. Reduce "Aid to Community Action Agencies" funding by 5.5% to all community action agencies funded by this Division. (52,619) NR State Aid

SECRETARY'S OFFICE

1. Infant Mortality/Physician Recruitment. Funds to support the recruitment of physicians and nurse midwives to locate immediately underserved areas. 430,000

DIVISION OF YOUTH SERVICES

1. Funds to implement the recommendations of the NC Drug Cabinet: Increase the assessment capabilities to youth in each of the eleven detention centers. 97,500

ALL DIVISION AND SECRETARY'S OFFICE

1. Reduce 2XXX through 5XXX line-items budgeted across the Department for one year by delaying expenditures. ($1,200,000) NR

Total Recurring Reductions	($25,848,204)
Total Non-recurring Reductions	($7,173,665)
Expansion Items	$19,836,410
Expansion Items - State Aid	$8,154,010
TOTAL NET BUDGET CHANGE	**($5,031,449)**

DEPARTMENT OF ADMINISTRATION

BUDGET REDUCTIONS

WORKFORCE REDUCTIONS

1. Reduce appropriations for salaries and related benefits by eliminating 13 positions department-wide, including 4 positions in the Office of State Personnel. (450,731) (13)

POLICY AND PLANNING

2. Reduce appropriations for Aid to Council of Governments. (29,700) State Aid

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OFFICE OF STATE PERSONNEL

3. Reduce appropriations of
$20,000 for Contractual Services, (58,950)
$20,000 for OJT Incentive,
$10,000 for Maintenance Contracts and (20,000)
$28,950 for other expense items. State Aid

STATE CONSTRUCTION AND PROPERTY

4. Reduce appropriations by (120,856)
$50,798 for Data Processing Services,
$10,000 for Maintenance Contracts, $20,000 for DP Equipment,
$27,000 Reserve for State Building Commission and
$13,058 for other expenses.

STATE BUILDING COMMISSION

5. Reduce appropriations of $19,500 for Travel (25,000)
expenses and $5,500 other expenses.

FACILITY MANAGEMENT DIVISION

6. Reduce appropriations of #369,987 for Utilities (451,346)
and $81,359 for Other Services.

JAMES KNOX POLK BUILDING

7. Reduce appropriations by $75,000 which will be offset by (75,000)
$75,000 in increased rental receipts for the building.

PURCHASE AND CONTRACT

8. Reduce appropriations by $91,400 for Data Processing (117,000)
Services and $25,600 in other expenses.

STATE SURPLUS PROPERTY

9. Reduce appropriations of $9,600 for other expenses. (9,600)

VETERANS AFFAIRS

10. Reduce appropriations for educational grants. (50,000)

N. C. ALCOHOLISM RESEARCH AUTHORITY

11. Reduce appropriations for research grants. (5,400)
State Aid

SCIENCE AND TECHNOLOGY RESEARCH

12. Reduce appropriations for research grants. (61,649)
State Aid

LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY

13. Reduce appropriations for Contracted Services (50,000)

SUBTOTAL - OPERATIONS ($1,408,483)

SUBTOTAL - STATE AID (116,749)
State Aid

TOTAL BUDGET REDUCTIONS **($1,525,232)**
POSITIONS (13)

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EXPANSION BUDGET

OFFICE OF STATE PERSONNEL

1. Expand the Employee Assistance Program (EAP) to adequately serve all state employees. This will add an EAP regional office and representative in the Orange County and New Hanover County areas and 2 Drug-free educators and 2 EAP representatives in existing offices. $280,426 (6)

TOTAL NET BUDGET CHANGE **($1,244,806)**
TOTAL NET POSITION CHANGE (7)

OFFICE OF ADMINISTRATIVE HEARINGS

BUDGET REDUCTIONS

OPERATING EXPENSES

1. Reduce appropriations by $24,112 for Travel, $6,000 for Repairs and Maintenance, $11,413 for Data Processing Service, $10,573 for Office Furniture and Equipment and $10,190 for DP Equipment. (62,288)

ADMINISTRATIVE RULES REVIEW COMMISSION

BUDGET REDUCTIONS

OPERATING EXPENSES

1. Reduce appropriations for operating expenses. (8,166)

OFFICE OF STATE AUDITOR

BUDGET REDUCTIONS

WORKFORCE REDUCTIONS

1. Reduce appropriations for salaries and related benefits by eliminating 7 positions. (243,544) (7)

OFFICE OF STATE BUDGET AND MANAGEMENT

BUDGET REDUCTIONS

WORKFORCE REDUCTIONS

1. Reduce appropriations for salaires and benefits by eliminating 1 position. (39,107) (1)

OPERATING EXPENSES

2. Reduce appropriations of $30,000 for Travel and $42,797 for other operating expenses. (72,797)

TOTAL BUDGET REDUCTIONS **($111,904)** (1)

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STATE ACCOUNTING SYSTEM (SAS) RESERVE

EXPANSION BUDGET

1. Provide funds for a statewide reserve for continued implementation of the SAS including $1.6 million for Outside Services, $600,000 for processing costs and $800,000 for equipment. The funds will be distributed to the Office of State Controller and other state departments and institutions for implementation of the accounting system.

   This is funding for year 1 of a five year plan for complete implementation of the SAS at an estimated total cost of $18 million. $3,000,000

OFFICE OF THE GOVERNOR

BUDGET REDUCTIONS

WORKFORCE REDUCTIONS

1. Reduce appropriations for salaries and related benefits by eliminating 2 positions. (72,832) (2)

ADMINISTRATION

2. Reduce appropriations of $17,000 for operating expenses. (17,000)

GOVERNOR'S WESTERN OFFICE

3. Reduce appropriations of $6,230 for operating expenses. (6,230)

OFFICE OF CITIZEN AFFAIRS

4. Reduce appropriations for advertising. (4,000)

RALEIGH EXECUTIVE RESIDENCE

5. Reduce appropriations for other expenses. (4,349)

OTHER

6. Reduce reserve by $24,646 for health insurance and retirement increases, $15,171 for performance pay and $3,533 for 6% salary increase related to the 2 positions eliminated. (43,350)

TOTAL BUDGET REDUCTIONS **($147,761)**
POSITIONS **(2)**

DEPARTMENT OF INSURANCE

BUDGET REDUCTIONS

WORKFORCE REDUCTIONS

1. Reduce appropriations for salaries and related benefits by eliminating 2 positions. (48,770) (2)

OPERATING EXPENSES

2. Reduce appropriations of $234,304 for operating expenses. (234,304)

DEPARTMENT RECEIPTS

3. Reduce appropriations by $120,000 and increase receipts for other income and revenue from the Sale of Training Manuals. (120,000)

TOTAL BUDGET REDUCTIONS **($403,074)**
POSITIONS **(2)**

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STATE CONTROLLER

BUDGET REDUCTIONS	
1. Reduce salaries and related benefits by eliminating one vacant Data Processing Consultant and one vacant Computing Consultant.	(90,491) (2)
2. Reduce other contracted services funds.	(55,433)
3. Reduce funds for office materials and supplies, communications, printing and dues and subscriptions.	(20,374)
TOTAL BUDGET REDUCTIONS	**($166,298)**
POSITIONS	**(2)**

DEPARTMENT OF CULTURAL RESOURCES
OPERATING BUDGET

BUDGET REDUCTIONS - OPERATING BUDGET	
OFFICE OF THE SECRETARY	
1. Reduce funds for telephone.	(2,700)
ADMINISTRATIVE SERVICES	
2. Reduce miscellaneous operating support.	(18,000)
COMMUNICATIONS	
3. Reduce funds for operating expenses.	(9,180)
ARCHIVES AND HISTORY ADMINISTRATION	
4. Eliminate vacant History Museum Specialist position and related benefits.	(29,953) (1)
HISTORICAL PUBLICATIONS	
5. Reduce funds for printing.	(10,520)
ARCHIVES AND RECORDS	
6. Reduce support for other supplies and materials, travel and postage.	(43,127)
STATE HISTORIC SITES	
7. Reduce funds for travel, communications, utilities and repairs and maintenance.	(82,256)
TRYON PALACE	
8. Reduce support for utilities, building and equipment repairs and repairs and maintenance.	(21,183)
STATE CAPITOL/VISITOR CENTER	
9. Reduce funds for communications and printing.	(5,558)
HISTORIC PRESERVATION	
10. Reduce funds for travel and communication.	(17,087)
MUSEUM OF HISTORY	
11. Reduce reserve fund for new museum included in the expansion budget.	(185,220)
EASTERN OFFICE	
12. Reduce travel and telephone support.	(2,010)
WESTERN OFFICE	
13. Reduce funds for travel, telephone and other equipment.	(4,437)

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

MUSEUM OF ART
14. Reduce funds for miscellaneous operational support items. (90,000)

ARTS COUNCIL
15. Reduce travel and telephone funds. (9,600)
Art in State Buildings (10,000)

SYMPHONY
16. Reduce funds for postage. (8,456)

STATE LIBRARY-INFORMATION SERVICES
17. Reduce printing funds. (21,595)

BLIND AND HANDICAPPED
18. Reduce funds for films. (94,000)

SUBTOTAL REDUCTIONS - OPERATING **($664,882)**
POSITIONS (1)

BUDGET REDUCTIONS - GRANT FUNDS

ARCHIVES AND HISTORY
19. Historical Attractions ($3,000)

UNCONDITIONAL GRANTS
20. Moore's Creek (32)

HISTORIC SITES
21. Local Grants (337)

ARTS COUNCIL GRANTS
22. Touring/Comm. Dev. (29,900)
23. Theatre Arts (16,300)
24. Dance, Folk, Literature (23,400)
25. American Dance Festival (10,000)
26. Statewide Arts Res. (28,900)
27. Grassroots Arts (45,000)

GRANTS-IN-AID TO THE ARTS
28. Vagabond School (1,500)
29. Art Society (240)
30. N. C. Symphony Society, Inc. (44,373)

SERVICES TO PUBLIC LIBRARIES
31. Aid to Counties (339,793)
SUBTOTAL REDUCTIONS-GRANTS-STATE AID ($542,775)

TOTAL REDUCTIONS **($1,207,657)**
TOTAL POSITIONS REDUCTIONS (1)

GENERAL ASSEMBLY

BUDGET REDUCTIONS
1. Reduce funds for data processing service. ($152,119)
2. Reduce funds for 1991 Session which is budgeted for 24 weeks. (500,000)

TOTAL REDUCTIONS **($652,119)**

LIEUTENANT GOVERNOR

BUDGET REDUCTIONS
1. Reduce support for other contractual services, office materials and supplies and travel. ($18,434)

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

DEPARTMENT OF REVENUE

BUDGET REDUCTIONS

REDUCTION IN FORCE

1. Eliminate approximately 17 positions, salaries and related benefits. ($503,372) (17)

MANAGEMENT INFORMATION SERVICES

2. Reduce contractual services for new automation programs affiliated with upgrade of the computer system. (1,200,000)

TOTAL REDUCTIONS **($1,703,372)**
POSITIONS - APPROX. **(17)**

SECRETARY OF STATE

BUDGET REDUCTIONS

PUBLICATIONS

1. Discontinue funding for production of the Voter Registration Tape. (Repeal G.S. 163-66.1). (42,259)

UNIFORM COMMERCIAL CODE DIVISION

2. Reduce data processing services funding. (30,000)

BUSINESS LICENSE INFORMATION OFFICE

3. Reduce funds for telephone and data processing services. (25,000)

SECURITIES REGISTRATION DIVISION

4. Reduce data processing funds for Investment Advisory registration. (16,512)

TOTAL REDUCTIONS **($113,771)**

STATE TREASURER

BUDGET REDUCTIONS

GENERAL ADMINISTRATION

1. Reduce required funding by increasing interdepartmental receipts. (34,984)

LOCAL GOVERNMENT OPERATIONS

2. Eliminate two vacant accounting positions, and reduce salaries and related benefits. (74,535) (2)
3. Reduce work processing costs by eliminating two publications. (13,234)

INVESTMENT MANAGEMENT

4. Reduce funding for equity investment advisory fees. (24,299)

TOTAL BUDGET REDUCTIONS **($147,052)**
TOTAL POSITIONS REDUCTIONS **(2)**

DEBT SERVICE - GENERAL FUND

EXPANSION BUDGET

1. Increase appropriation for payment of debt service on $20.5 million bond issued in May, 1989 for new parking deck. $1,908,300

Principal	$1,575,000
Interest	333,300

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

Note: The Governor's recommended budget reflects an increase of a corresponding amount in the General Fund availability (non-tax revenue) from the collection of parking fees.

2. Increase funding for payment of debt service on the proposed issuance of $75 million two-thirds bonds in December, 1990 for correctional facilities. 2,812,500

Principal	0
Interest	$2,812,500

TOTAL EXPANSION **$4,720,800**

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

BUDGET REDUCTIONS

BUSINESS/INDUSTRY DEVELOPMENT

1. Reduce Rural Economic Development Center grant. ($275,000) State Aid

ADMINISTRATION

2. Eliminate 1 vacant assistant secretary position. (62,434) (1)

SCIENCE & TECHNOLOGY CENTER

3. Eliminate 1 vacant position. (53,606) (1)

INDUSTRIAL COMMISSION

4. Increase budgeted receipts. (100,000)

TECHNOLOGICAL DEVELOPMENT AUTHORITY

5. Reduce research grants. (150,000) State Aid

HAZARDOUS WASTE MANAGEMENT COMMISSION

6. Reduce reserve funds. (50,000)

BUSINESS/INDUSTRY DEVELOPMENT

7. Reduce travel, communications and advertising. (20,000)

INTERNATIONAL DEVELOPMENT

8. Reduce travel and advertising. (10,000)

TRAVEL & TOURISM

9. Reduce printing, postage and advertising. (20,000)

AIR TRANSPORTATION SERVICE

10. Reduce repairs and maintenance. (34,145)

HOUSING PROGRAM

11. Eliminate 3 positions in next year's expansion budget. (112,070) (3)

TOTAL REDUCTIONS **($887,255)**
TOTAL POSITION REDUCTION (5)

MCNC (MICROELECTRONICS CENTER OF NORTH CAROLINA)

BUDGET REDUCTIONS

MICROELECTRONICS

1. Defer purchase of semiconductor process equipment and delete 6 vacant positions. (970,544) (6)
2. Delete 5 direct dollar support programs to campuses. (623,000)

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

COMMUNICATIONS
3. Defer equipment upgrades and delete 3 vacant positions. (956,000)
(3)

SUPERCOMPUTING
4. Decrease operations including deleting 4 vacant positions. (372,126)
(4)

ADMINISTRATION
5. Decrease in building repair, maintenance, and administrative services. (150,000)

TOTAL REDUCTIONS **($3,071,670)**
(13)
State Aid

NORTH CAROLINA BIOTECHNOLOGY CENTER

BUDGET REDUCTIONS

TECHNOLOGY TRANSFER
1. Reduce biotechnology Economic Development loan funds to aid young biotechnology companies in research on feasibility of new products. (150,000)

UNIVERSITY RESEARCH
2. Reduce grants to university programs that have the potential for forming basis for new biotechnology products. (200,000)

EDUCATION/TRAINING
3. Reduce funds for enhancement of training capabilities of community colleges and universities for biotechnology related jobs. (64,860)

TOTAL REDUCTIONS **($414,860)**
State Aid

DEPARTMENT OF AGRICULTURE

BUDGET REDUCTIONS

AGRICULTURE REVIEW
1. Decrease postage. The Agricultural Review in the past has been published twice a month. As of April 1, 1990, it is published once a month. (75,000)
2. Decrease printing due to oncea month publishing schedule. (15,000)

SALE OF FARM PRODUCTS
3. After a close review of the revenue collected from the sale of farm products, it is estimated that an additional $213,000 will be collected over the budgeted amount in 1990-91. (213,000)

COMPUTER EQUIPMENT
4. The purchase price of some computer equipment was overbudgeted (expansion item). (60,000)

DATA PROCESSING SERVICE
5. In the time it takes to get the PC's ordered and the programs set up, it is estimated that some funds in data processing services can be saved (expansion item). (20,000)

S.B. 1426 (House Committee Substitute) (Continued) 1990-91

WNC DEVELOPMENT ASSOCIATION
6. Reduce grant-in-aid by 5%. (2,000)
State Aid

NC MUSEUM OF LIFE & SCIENCE
7. Reduce grant-in-aid by 5%. (5,000)
State Aid

TOBACCO MUSEUM
8. Reduce grant-in-aid by 5%. (1,250)
State Aid

MULTI-PURPOSE BUILDING
9. Reduce operating reserve for a capital project that has been placed on delayed status. (4,000)

WATERCRAFT CENTER
10. Reduce operating reserve for a capital project that has been placed on delayed status. (11,500)

RESEARCH STATIONS
11. Delay purchase of other motor vehicles vehicles for 1 year. This will delay the purchases of tractors, combines, mowers and sprayers. (248,600)

FOOD DISTRIBUTION
12. Delay purchase of replacement motor vehicles for one year. (76,000)

AQUACULTURE PROGRAM
13. Eliminate one position and associated fringe benefits, (66,290)
rent of offices and equipment (expansion item). (1)

STATE FARMS
14. Delay purchase of replacement tractors for one year. (72,011)

AGRONOMIC SERVICES
15. Delay purchase of replacement motor vehicles for one year. (42,672)

STRUCTURAL PEST
16. Delay purchase of replacement vehicles for one year. (20,000)

PLANT PROTECTION
17. Delay purchase of replacement motor vehicles for one year. (18,500)

HORSE FACILITIES
18. Raise the rates on the rental of horse stalls at the Western Horse Facility so that they will be comparable to the rates of the Raleigh Horse Facility. These rates are set administratively by the Department. (43,200)

VETERINARY SERVICES
19. Begin charging $20 per accession for necropsies (autopsies) performed on companion animals. This fee can be set administratively by the Department. (85,000)
20. Begin charging $10 per accession for histopathological exams performed on companion animals. This fee can be set administratively by the Department. (100,000)

MARKETING
21. Eliminate two vacant positions, reduce contractual services (79,927)
and supplies. (2)

S.B. 1426 (House Committee Substitute) (Continued) 1990-91

TOTAL REDUCTIONS	($1,258,950)
TOTAL POSITION REDUCTIONS	(3)

DEPARTMENT OF LABOR

BUDGET REDUCTIONS

ELEVATOR INSPECTION	
1. Increase budgeted receipts (not an increase in the fee).	(80,000)
OSHA	
2. Eliminate 3 positions in next year's expansion budget.	(114,534)
	(3)
3. Eliminate Technical Trainer II	(18,068)
(50% state share) vacant since 5/6/88.	(1)
4. Eliminate Industrial Hygiene Consultant Supervisor	(8,157)
position (18% state share) vacant since 12/21/84.	(1)
5. Eliminate OSHA Education and Training Specialist	(24,079)
position (50% state funded) vacant since 3/31/89.	(1)
6. Eliminate a Staff Industrial Hygienist position	(21,614)
(50% state funded) vacant since 10/31/88.	(1)
TOTAL REDUCTIONS	($266,452)
TOTAL POSITION REDUCTIONS	(7)

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

BUDGET REDUCTIONS

HEALTH REGIONAL OFFICES	
1. Abolish two vacant positions.	(50,821)
	(2)
PARKS AND RECREATION	
2. Defer replacing five 1/2 ton pickup trucks and one 2 ton dump truck.	(72,710)
ZOOLOGICAL PARK	
3. Reduce purchases for resale concession and food shops. Will use receipts for this purpose.	(114,976)
SOIL AND WATER CONSERVATION	
4. Reduce part of 1990-91 cost share expansion.	(500,000) State Aid
FOREST RESOURCES	
5. Forest Resources Central Office -- Reduce travel, printing, and communication expenses.	(71,672)
6. Forest Resources Field Operations -- Cut construction and repair, communications, motor vehicle operations, travel, and heavy equipment purchases.	(614,146)
DENTAL HEALTH	
7. Convert a public health dentist into two public health dental hygienist positions. This would create this amount of salary reserve.	(7,079)
EPIDEMIOLOGY	
8. Injury Control - Reduction in moving expense budget	(1,226)
9. Occupational Health - Reduction in basic support line item (travel, supplies)	(12,090)

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

10. Communicable Disease Control - Eliminate hospital infection control contract with UNC Medical School	(27,616) State Aid
11. T/B Control - Reduce hospitalization program	(60,000) State Aid
12. Environmental Epidemiology - Reduction in basic support line items	(16,990)
ENVIRONMENTAL HEALTH	
13. Reduction in basic support line items	(3,435)
14. Pest Control Mgt. - Transfer 1/2 of state appropriated position to the Bedding Program which is receipt supported.	(31,262)
15. Water Supply - Reduction in basic support line items	(1,000)
16. Shellfish Sanitation - Reduction in basic support line items	(1,744)
ADULT HEALTH PROMOTION	
17. Reduce line items for rent, training & evaluation	(13,476)
PUBLIC HEALTH LABORATORY	
18. Reduce supplies, travel and maintenance contracts.	(62,500)
WATER RESOURCES	
19..Reduce support for water resources development and planning.	(18,525)
20. Reduce USGS cooperative funding and participation in reservoir sedimentation study and water quality ambient monitoring program.	(15,000)
COASTAL MANAGEMENT	
21. Reduce supplies, equipment, communications, and printing for field offices and central staff.	(29,285)
ENVIRONMENTAL MANAGEMENT	
22. Reduce lab equipment and administrative support. Will affect all programs.	(20,639)
23. Reduce funds for contractor assistance for ambient air monitoring & inventory.	(60,449)
24. Eliminate replacement trucks & supplies for groundwater drilling.	(46,300)
25. Eliminate 2 positions in Water Quality to monitor stormwater controls & watershed protection.	(65,000) (2)
LAND RESOURCES	
26. Reduces cooperative funding with USGS to revise topographic maps.	(27,660)
27. Reduce by 6% grant awards for Land Records Management Program.	(29,500) State Aid
28. Eliminate purchase of replacement truck for geodetic field work.	(22,000)
29. Reduce support and equipment for Sedimentation, Mining, and Dam Safety.	(10,534)
RADIATION PROTECTION	
30. Reduce travel and equipment.	(15,280)
MARINE FISHERIES	
31. Reduce funds for Marine Fisheries Commission and communication to fishing community and defers staff for research library.	(30,537)
32. Reduce equipment purchases for law enforcement program.	(54,000)
33. Reduce funds for artificial reef program.	(54,000)

S.B. 1426 (House Committee Substitute)(Continued)

	1990-91
DEPARTMENT-WIDE	
34. Reduce travel.	(100,000)
35. Reduce motor vehicles.	(100,000)
MATERNAL AND CHILD HEALTH	
36. Eliminate Delivery Funds allocated to local health departments because most women and all teenagers covered under this fund are now Medicaid eligible.	(240,000) State Aid
TOTAL REDUCTIONS	**($2,601,452)**
TOTAL POSITION REDUCTIONS	**(4)**
EXPANSION	
MATERNAL AND CHILD HEALTH	
1. Expand Rural Obstetrical Care Incentive program.	$300,000 State Aid
2. Fund 4 teams of certified nurse midwives in critically underserved counties in east and west North Carolina.	400,000 State Aid
3. Fund one-time start-up grants to enable local health departments or community, rural, or migrant health centers to employ additional maternity care workers.	500,000 State Aid
4. Expand genetic health care services through medical genetics centers. Includes 1 state position.	50,000 (1) 850,000 State Aid
5. Provide a toll-free hotline for pregnant women; conduct an education awareness media campaign on the urgency of providing early, continuous, and good quality prenatal care to all women of child-bearing age.	175,000
6. Fund infant mortality grants in urban and rural counties with high infant mortality rates and large number of infant deaths to conduct community-wide efforts to reduce infant mortality. Includes 1 state position.	42,902 (1) 307,098 State Aid
7. Provide nutritional supplements under the Women, Infants, and Children program.	1,307,233 State Aid
N.C. COALITION ON ADOLESCENT PREGNANCY	
8. Grant-in-aid to provide technical assistance in reducing the high incidence of infant mortality resulting from low birthweight babies born to adolescents.	75,000 State Aid
BOWMAN GRAY SCHOOL OF MEDICINE	
9. Grant-in-aid to coordinate information and placement concerning open beds for neonatal intensive care services.	60,000 State Aid
MATERNAL AND CHILD HEALTH	
10. Fund intensive, statewide public education campaign to heighten public awareness of the danger to the fetus of alcohol and drug abuse during pregnancy.	205,000
11. Fund statewide campaign to educate health care professionals in early identification of women at risk for alcohol and drug abuse during pregnancy and to heighten the awareness of these professionals on the effects of such abuse on a developing fetus.	$ 119,200
ENVIRONMENTAL HEALTH	
12. Funding to comply with federal mandates for shellfish inspection and ensure that North Carolina shellfish dealers are certified to participate in interstate commerce.	245,614 (6)

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

TOTAL BUDGET EXPANSION	**4,637,047**
TOTAL POSITION INCREASE	**(8)**
TOTAL NET BUDGET CHANGE	**$2,035,595**
TOTAL NET POSITION INCREASE	**(4)**

DEPARTMENT OF TRANSPORTATION

BUDGET REDUCTION
RAILROADS

1. Reduce support to minimum level required by law (1989-90 revenues totalled less than $98,000) $66,002

RECOMMENDED REDUCTIONS FOR THE DEPARTMENT OF TRANSPORTATION

BASE BUDGET	Governor's FY 90-91 Authorized	House FY 90-91 Adjustments
Division of Motor Vehicles		
I. Commissioner's Office Reduce printing and binding for consumer education program.	$327,200	($51,000)
II. Vehicle Registration Reduce budget in the following lines:		
- Professional fees	36,125	(9,000)
- Rent (moving from leased space in Charlotte to new DMV building by Jan. 1991).	56,370	(28,685)
- Temporary Labor (reduce summer employment)	299,645	(50,000)
- Furniture	123,657	(60,000)
- In-State Travel Subsistence	30,000	(11,512)
- In-State Travel Transportation	82,141	(16,586)
III. Driver Licensing Reduce services received from the Division of Highways	25,000	(15,000)
IV. International Registration Plan (IRP) Eliminate 2 vacant Auditor positions due to change in the IRP Administrative Code requiring audits every 5 years instead of every three years.		(67,372)
V. Enforcement, Inspection, Vehicle Registration Reduce Office Supplies	127,194	(10,000)
Base Budget Reduction-DMV	($319,155)	
Ferry Operations		
Eliminate 17 vacant positions at Mann's Harbor that were appropriated by the 1989 General Assembly.	$16,027,640	($373,298)
Other State Agencies		
I. Highway Patrol		
a) 3% reduction in budget	83,953,714	(2,624,709)
b) reduce salary reserve and related benefits by one-half		(411,745)

S.B. 1426 (House Committee Substitute)(Continued)

		1990-91
c) eliminate 9 replacement vehicles		(131,294)
Reduction in Highway Patrol		(3,167,748)
II. Dept. of Correction		
Increase approp. for inmate road work. (Approved by House Appropriations)	1,750,000	2,883,856
Total Base Budget Adjustments		($976,345)
Expansion Budget		
DOT Administration		
- SIPS Usage	$2,000,000	($250,000)
- Postage	50,000	(25,000)
Division of Highways		
- Contract Resurfacing	11,000,000	(1,456,961)
Reductions in Proposed Expansion Budget		($1,731,961)
Capital Improvements		
Division of Highways		
- Equipment Shop at Meadows	$50,000	($50,000)
- Bridge Maintenance Office/ Warehouse/Lumber Shed at Union	10,000	(10,000)
- DOH/DMV Complex in Graham	20,000	(20,000)
- Equipment Shop at Spindale	50,000	(50,000)
- District Equipment Shop at Washington	85,000	(85,000)
- Salt Storage Facilities	1,400,000	(703,563)
- Division Equipment (Carthage)	1,843,400	(1,843,400)
- Equipment Shop in Wentworth	75,000	(75,000)
- Greensboro Division Office Addition	550,000	(550,000)
- Bridge Maintenance Yard at Brunswick - Supplemental	214,800	(214,800)
Division of Motor Vehicles		
- Statesville Building Addition	170,075	(170,075)
- Goldsboro Building Addition	167,630	(167,630)
- Sanford Building Addition	185,000	(185,000)
- Whiteville Building Addition	164,770	(164,770)
- New Building in Asheville	815,100	(745,100)
Reductions in Proposed Capital Budget		($5,034,338)

REVERSION OF CAPITAL FUNDS - HIGHWAY FUND

	Unencumbered Funds
I. Division of Motor Vehicles	
- New DMV Building in Carteret County (1984)	$1,275
- Wake County Building renovation (1984)	525
- Roof replacements in Salisbury & Greensboro (1985)	9,508
- Newton building expansion (1987)	30,914
- Raleigh DMV renovations (1987)	17,693
- Elizabeth City building addition (1987)	39
- Repave parking areas in Wilson, Kinston, and Hendersonville (1988)	3,212
- Rocky Mount building addition (1988)	(3,857)
- Salisbury septic system replacement	2,542
New Reduction - DMV	$61,851
II. Crime Control and Public Safety	
- Law Enforcement Precision Driving Track and Classroom Tower (1987)	$270,600
- Upgrade Communications Tower and Radio System, Greensboro (1987)	59,244
Reduction - CC & PS	$329,844

S.B. 1426 (House Committee Substitute)(Continued)

	1990-91
III. Division of Highways	
Statewide/Energy Savings Improvement	$5,715*
Method/Design and Sitework	($733)*
Method/Construction	($36,255)*
Method/Supplement	($52,813)*
Hatteras/Ferry Facility	$16,706
Grantsboro/Equipment Shop	$1,326
Charlotte/Stl. Crk. Maint. Facility	$25,233*
Carteret Co./Ferry & Shore Facilities	(26,003)*
Carteret Co./Supplement to 0.10647	$15,669
Dare Co./Ferry Replacement	-0-
Dare Co./Ferry Replacement	$78,413
Raleigh/Thompson Building	-0-
Raleigh/Thompson Building	$7,511
Raleigh/Hwy. Bldg. Roof Replacement	$55,442
Graham/Inspectors Office	($954)
Raleigh/Roof Replacement Storage Whse.	$730
Net Reduction - Highways	$89,987
Total Reversion of Capital Funds	$481,682

Notes: 1) Over-expenditures must be covered before work orders can be closed.
2) *Work order has outstanding encumbrance; therefore, balance may be taken out but work order must remain open to pay encumbrance.

Summary	
Base Budget Adjustments	($976,345)
Reduction in Proposed Exp.Budget	($1,731,961)
Reduction in Proposed Cap.Budget	($5,034,338)
Reversion of Capital Funds	($481,682)
	($8,224,326)

This sum will be returned to the Construction budget under Special Appropriation - Highways and will be programmed into the next T.I.P.

DOT REVISED EXPANSION BUDGET	House FY 90-91 Recommended
I. DOT Administration	
- Increased SIPS usage	$1,750,000
- Systems Development for Transportation Computing Center	1,000,000
- Increased Postage	25,000
	$2,775,000
II. Construction and Maintenance	
- Increase Contract Resurfacing	9,543,039
- Increase Maintenance funds	10,131,378
	$19,674,417
III. Division of Motor Vehicles	
- Increased Postage	260,000
- Bar coding and inserter equipment	193,000
- Emission Control program (19 positions) and equipment for new warehouse	785,816
- Commercial Driver Licensing Program	2,719,552
	$3,958,368
IV. Reserve for Unforeseen Events	
- Contamination cleanup at Asphalt Plants	2,000,000
- Increase Fire Insurance and Payroll Additives	145,177
	$2,145,177

S.B. 1426 (House Committee Substitute)(Continued) 1990-91

V. Capital		
Division of Highways		
Salt Storage Facilities	Statewide	696,437
Land Acquisition -		
Maintenance Yard - Supplemental	Jonas Ridge	177,300
Division Office Annex - Supplemental	Greenville	360,000
Miscellaneous Repairs - Supplemental	Durham	105,100
Site Completion - Supplemental	Taylorsville	359,700
Central Warehouse Expansion -		
Supplemental	Raleigh	226,225
Division Office Annex - Supplemental	Ahoskie	400,000
Reserve for Roof Replacements	Statewide	226,150
Subtotal - Division of Highways		$2,550,912
Division of Motor Vehicles		
New Building - design	Asheville	70,000
Reserve for Roof Replacements	Statewide	94,300
Reserve for Repairs to Parking Lots	Statewide	97,000
Subtotal - Division of Motor Vehicles		$261,300
Total - Capital Projects		$2,812,212
GRAND TOTAL - HIGHWAY FUND EXPANSION		**$31,365,174**

GENERAL FUND

The General Fund appropriation for FY 1990-91 to the Department of Transportation for Railroads and Aeronautics is reduced as follows:

Railroads	($ 66,002)
Aeronautics	($134,241)

S.B. 1427 (PCS-4733)
(July 13, 1990--See Page 222)

July 11, 1990

SENATE
ADDITIONAL OPERATING APPROPRIATIONS

Department of State Treasurer

1. Investment Management - Increase funding for data processing services to enhance capabilities of the system and thus maximize investment income for the Retirement System, the General Fund and the Highway Fund. Appropriation will come from an increase in Banking and Investment Fees that are deposited as non-tax revenue. $ 150,000

Department of Human Resources

1. Domiciliary Care Rate Increase -
Raise rates by 3% effective January 1, 1991. Coupled with the 1% increase authorized in the continuation budget, the rate would increase to $756 for ambulatory and $793 for non-ambulatory.

S.B. 1427 (PCS-4733)(Continued) 1990-91

Division of Social Services	$2,638,788
Division of Blind Services	18,900
Requirements	$2,657,689
Receipts	1,328,844
Appropriation-Soc. Serv.	1,319,394
Blind Serv.	9,450

2. Alzheimer's Unit at Black Mountain Center - Funds for operation of this unit which has recently been renovated and is ready to open. 735,814

Department of Environment, Health and Natural Resources

1. Shellfish Sanitation Program - Funds to carry out mandates of the National Shellfish Sanitation Program and the U.S. Food and Drug Administration. Funds will provide for additional personnel and equipment and for replacement of a 20-year old lab in Wilmington. $ 530,146

2. Division of Maternal and Child Health - Funds for contract funding of local sickle cell anemia centers. 100,000

Department of Revenue

1. Funds to handle the increased workload created by passage of the bill to accelerate employer withholding payments. 1,252,678

Department of Secretary of State

1. Funds to implement the new N.C. Business Corporation Act which will become effective July 1, 1990. Costs are to be borne by increasing the fee for filing an annual report from $5 to $15. Appropriation is contingent upon passage of Senate Bill 1084. 772,320

Debt Service

1. Increase debt service requirements for two-thirds bonds for correctional facilities. 75,000

TOTAL APPROPRIATION	$4,944,802
NEW REVENUE TO BE GENERATED	$ 922,320
FROM AVAILABILITY	$4,022,482

S.B. 1427 (House Committee Substitute)
(July 18, 1990--See Page 277)

HOUSE
CAPITAL OUTLAY
AND ADDITIONAL
APPROPRIATIONS

July 18, 1990
Revised
ADDITIONAL NON-RECURRING ITEMS

Capital Package	$152,471,072
Community Colleges - Equipment	7,000,000
Rural Water Association, Inc.	50,000
Shellfish Sanitation Lab Facility	284,532

S.B. 1427 (PCS-4733)(Continued)

	1990-91
N.C. Housing Trust Fund	1,000,000
Industrial Economic Development Fund	1,500,000
Rural Economic Development Center	650,000
Group Homes	1,046,000
Cerebral Palsy Foundation	100,000
School Bus Purchases	3,000,000
Restore 88-89 Delay Projects - Comm. College	2,905,000
TOTAL	**$170,006,604**

ADDITIONAL RECURRING ITEMS

State Auditor - Pension Fund Reductions	($137,161)
Reserve for Farmers Market - Raleigh	200,000
Children's Special Health Services - Inpat. Serv.	900,000
Revenue - Cost to Administer SB 1586	1,252,678
Treasurer - Investment Management	150,000
Group Homes	479,978
Exceptional Children	2,000,000
TOTAL	**$4,845,495**
GRAND TOTAL	**$174,852,099**

CAPITAL OUTLAY

DEPARTMENT	ORIGINAL RECOMMENDATION	RECOMMENDATION
ADMINISTRATION		
New Steam Plant - Governmental Complex	6,594,500	6,594,500
New Revenue Building (Excludes Equipment Needs)	18,000,000	14,159,455
Veterans Cemetery Funds	400,000	400,000
SIPS Renovation of Electrical System	2,300,000	1,500,000
Asbestos Management and Removal Reserve	250,000	0
New Museum of Natural Sciences - Complete Planning of Exterior	90,000	90,000
Indian Cultural Center - Impact Study/Grant	0	100,000
TOTAL	**27,634,500**	**22,843,955**
AGRICULTURE		
Watercraft Museum	499,700	499,700
Southeastern Farmers Market (Sampson)	1,500,000	1,500,000
Southeastern Farmers Market - Wastewater Treatment Facility	140,000	140,000
WNC Ag. Center - Land (Asheville)	350,000	350,000
New Agronomics Lab (Excludes Equipment Needs)	6,852,694	6,439,694
TOTAL	**9,342,394**	**8,929,394**
COMMUNITY COLLEGES		
Projects from 1988-89 Fiscal Year	4,905,000	0
Projects Deleted from 1989-90	1,095,000	0
Complete Projects (New Projects)	1,129,500	0
TOTAL	**7,129,500**	**0**
CORRECTION		
Reserve for Repairs - Statewide	347,800	347,800

S.B. 1427 (House Committee Substitute)(Continued)

DEPARTMENT	ORIGINAL RECOMMENDATION	RECOMMENDATION
Wastewater/Water System Improvements	133,400	133,400
Plumbing Reparis at 51 Units	517,600	517,600
Substance Abse Facility (NCCIW)	62,800	62,800
DWI Facility (Goldsboro)	894,000	894,000
TOTAL	**1,955,600**	**1,955,600**
CRIME CONTROL		
Armories/Clinton/Goldsboro	1,246,100	733,900
TOTAL	**1,246,100**	**733,900**
CULTURAL RESOURCES		
Zeigler House Renovation (Chowan County)	400,000	*0
Brown Historic Site Improvements (Guilford)	400,000	*0
Spencer Shops Renovation (Rowan County)	150,000	*0
TOTAL	**950,000**	**0**
*To be funded from Repairs and Renovation Reserve		
ECONOMIC AND COMMUNITY DEVELOPMENT		
National Institute of Statistical Science	2,500,000	2,500,000
Biotechnology Center	1,000,000	1,000,000
I-95 Welcome Center Expansion	500,000	300,000
State Ports Development (Funded Study)	2,844,043	100,000
TOTAL	**6,844,043**	**3,900,000**
ENVIRONMENT, HEALTH & NATURAL RESOURCES		
Reserve for Water Resources	1,400,000	1,400,000
Solid Waste Facility Fund	5,000,000	1,000,000
Forestry Headquarters Facilities	900,000	450,000
N.C. Zoological Park-North American Phase	6,250,000	6,250,000
Coastal Reserve - Buxton Woods	250,000	0
State Parks Repair Reserve	2,000,000	1,000,000
TOTAL	**15,800,000**	**10,100,000**
HUMAN RESOURCES		
Life Safety - Renovate Parkview Cottage at Murdoch	1,200,000	1,400,000
JUSTICE		
Justice Academy Classroom Building	-	2,000,000
STATE BUDGET		
Water and Sewer Program (SB2 of 1985)	9,000,000	8,500,000
Emergency Prison Program	27,160,094	27,160,094
Low-Level Radioactive Waste Site	6,000,000	6,000,000
Clean Water Program - Federal Match	8,800,000	7,550,000
Repairs & Renovation Reserve	4,800,000	5,543,872
TOTAL	**55,760,094**	**54,753,966**
UNIVERSITY		
NCSU Engineering Graduate Center	6,000,000	3,000,000
ECU Joyner Library Addition	6,000,000	2,000,000
Fayetteville State H/PE Facility	8,677,800	8,677,800
Restore Prior Year Reduction (See List)	18,826,457	18,826,457
UNC-CH Social Work Building	4,140,500	2,500,000
UNC-A Conference Center	2,000,000	2,000,000
ASU-Student Activities Center	2,000,000	2,000,000
ASU-Academic Support Building	500,000	500,000
UNC-A Conference Center	2,000,000	0

S.B. 1427 (House Committee Substitute)(Continued)

DEPARTMENT	ORIGINAL RECOMMENDATION	RECOMMENDATION
Board of Governors-Land Acquisition	1,000,000	1,500,000
AHEC-Construction Grants	1,100,000	1,100,000
NC Arboretum	1,250,000	1,250,000
Repairs/Renov./Utilities/Life Safety/ETC	5,000,000	0
UNC-CH School of Business Building	0	2,500,000
TOTAL	**58,494,757**	**45,854,257**
GRAND TOTAL	**186,356,988**	**152,471,072**

Delayed Projects
Previous Fiscal Years
UNC Projects

Year	Description	Amount	Restored Amount
1987-88	UNC-CH - Alcohol Studies Ctr.	$2,000,000	$2,000,000
	NCCU - Ren. to Major Facilities	705,702	705,702
	NCSU - Pulp and Paper Equipment	149,976	149,976
	TOTAL	2,855,678	2,855,678
1987-88	ECU - Regional Advancement Ctr.	350,000	350,000
	TOTAL	350,000	350,000
1988-89	ECU - Ren. and Add. to Brody Bldg.	59,395 *	-
	ECSU - Ext. Repairs to Nine Bldgs.	532,900	532,900
	FSU - Seabrook Auditorium	392,300	392,300
	NCA&T - Roof Replacement and Repair	80,280	80,280
	PSU - Ren. Locklear Hall	13,023 *	-
	UNC-G - Ren. Stone Economics Bldg.	3,295,862	3,295,862
	WSSU - Ren. Anderson Bldg.	491,900	491,900
	TOTAL	4,865,660	4,793,242
1988-89	ASU - Heating Plant Improvements	32,015 *	-
	NCA&T - Undergrd. Elec. System	28,350 *	-
	NCCU - Central Heat Plant	584,657	584,657
	NCSU - Haz. Waste Cleanup	525,000	525,000
	UNC-A - Undergrd. Elec.	14,378 *	-
	UNC-CH Elec. Duct Bank Repairs	442,500	442,500
	WCU - Retube Boiler #4	6,600 *	-
	WSSU - Haz. Chemical Storage	46,500	46,500
	Unallocated	12,000 *	-
	TOTAL	1,692,000	1,598,657
1988-89	ECU - Land for Reg. Adv. Ctr.	500,000	500,000
	WCU - Land	189,920	189,920
	TOTAL	689,920	689,920
1988-89	ECU - Sports Med. Facility	70,000 *	-
	FSU - Admin. Bldg.	157,000 *	-
	NCCU - Ren. Major Facilities	2,485,000	2,485,000
	PSU - Oxendine Science Bldg.	190,112	190,112
	UNC-CH - Biology/Biotech Bldg.	63,782*	-
	UNC-CH - Alcoholic Studies Ctr.	2,255,700	2,255,700
	NCA&T - Library	131,338	131,338
	TOTAL	5,352,932	5,062,150

S.B. 1427 (House Committee Substitute)(Continued)

Year	Description	Amount	Restored Amount
1988-89	NCSU - Camp Mitchell 4-H	214,000	214,000
	UNC-A - Conf. Ctr.	2,200,000	2,200,000
	UNC-A - Arboretum	1,062,810	1,062,810
	TOTAL	3,476,810	3,476,810
	GRAND TOTAL	19,283,000	18,826,457

* could be deleted - TOTAL $456,543

HOUSE
ADDITIONAL APPROPRIATIONS

	1990-91	
Department of State Auditor		
Reduce state contributions to pension funds based upon the latest actuarial report		
a. Firemen's Pension Fund	($95,859)	
b. Rescue Squad Worker's Pension Fund	(41,302)	
TOTAL REDUCTION	($137,161)	
Department of State Treasurer		
Investment Management - Increase funding for data processing services to enhance capabilities of the system and thus maximize investment income for the Retirement System, the General Fund and the Highway Fund. Appropriation will come from an increase in Banking and Investment Fees that are deposited as non-tax revenue.	$150,000	
Department of Revenue		
Funds to handle the increased workload created by passage of the bill to accelerate employer withholding payments.	$1,252,678	
Department of Human Resources		
HUD Group Homes. For start-up and operational costs of 15 group homes for the developmentally disabled and 2 group homes and 2 apartment projects for the mentally ill as approved in the 1989 Section 202 allocation by the U.S. Department of Housing and Urban Development.	$1,046,000 479,978 State Aid	NR
Department of Community Colleges		
The Governor froze $7.5 million of Community Colleges 1989-90 capital money in order to balance the budget. This restores $7,000,000 of the amount frozen.	$7,000,000	
Restore 1988-89 capital projects frozen by the Governor (see page 10).	2,905,000	CI
Environment, Health & Natural Resources		
Rural Water - A grant-in-aid for operating expenses of the N.C. Rural Water Association, Inc.	50,000 State Aid	

S.B. 1427 (House Committee Substitute)(Continued)

	1990-91	
Shellfish Sanitation Lab Facility - Funds to replace the Wilmington Lab Facility used for shellfish test in compliance with federal mandates.	284,532	CI
Cerebral Palsy - Continued support for the programs and services provided under contract by United Cerebral Palsy of N.C., Inc. for the benefit of children enrolled in child development centers operated by United Cerebral Palsy.	100,000 State Aid	
Children's Special Health Services - Increased funding for inpatient services for eligible children.	900,000	
Economic & Community Development		
N.C. Housing Trust Fund - Funds for Housing Partnership programs authorized in G.S. 122E.	1,000,000	
Industrial Economic Development Fund - Grants to local government for improvements to existing infrastructure and funds for making loans through local government to private businesses for building renovations of industrial facilities.	1,500,000	
Rural Economic Development Center - Grants to community development corporations incorporated under Chapter 155A and which currently serve minorities and underdeveloped communities.	$ 650,000 State Aid	
Department of Agriculture		
Farmer's Market - Raleigh - Provide additional staff and support to new Raleigh Farmers Market due to larger facility opening 1/1/91.	200,000	
Department of Public Education		
Appropriates funds to purchase 100 additional school buses ($30,000 per bus).	3,000,000	
Appropriates funds for exceptional children. This will help to offset the increased number of exceptional children in June 1990 headcount.	2,000,000	
GRAND TOTAL	**$22,381,027**	

COMMUNITY COLLEGES
LIST OF PROJECTS THAT ARE BEING RESTORED

COLLEGE/PROJECTS	1988-89 RESTORED
Anson Community College/Stanly Community College - Union Satellite	$ -0-
Craven Community College - Student Activity Center	-0-
Fayetteville Technical Community College - Center for Applied Technology - Equipment	899,952
Johnston Community College - Renovate Library	90,000

S.B. 1427 (House Committee Substitute) (Continued)

COLLEGE/PROJECTS	1988-89 RESTORED
Pitt Community College - Vocational Building	28,577
Roanoke-Chowan Community College - Technology/Small Business Center	368,645
Rockingham Community College - Lab/Classroom Building	407,826
Wake Technical Community College - Health Education Building	1,110,000
TOTAL	$2,905,000

S.B. 1426 (Conference Report PCCS-4750)
(July 27, 1990--See Page 418)

CONFEREE REPORT
ON
PROPOSED CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE BILL 1426
JULY 26, 1990

S/Representative David H. Diamont
Chairman
House Appropriations

S/Senator Kenneth C. Royall, Jr.
Chairman
Senate Appropriations

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1990-91
BUDGET RECOMMENDATIONS

	Budget Reduction	Expansion Funding	Management Flexibility	Total Net Change
Public Education:				
Public Instruction	(1,750,697)	2,216,794	(842,828)	(376,731)
Public School Fund	(115,357,789)	43,117,006	(45,000,000)	(117,240,783)
Community Colleges:				
State Department	(336,404)	-	(169,660)	(506,064)
Institutions	(11,193,840)	8,622,046	-	(2,571,794)
University	(36,366,985)	850,000	(18,339,709)	(53,856,694)
General Assembly	(652,119)	-	(333,847)	(985,966)
Governor's Office	(147,761)	-	(76,621)	(224,382)
Lt. Governor	(18,434)	-	(10,946)	(29,380)
State Budget Office	(111,904)	-	(54,729)	(166,633)
Special Appropriations	(32,400)	-	-	(32,400)
Secretary of State	(113,771)	-	(60,202)	(173,973)
State Auditor	(243,544)	-	(125,877)	(369,421)
State Treasurer	(147,052)	-	(76,621)	(223,673)
Insurance	(403,074)	-	(202,498)	(605,572)
Administration	(1,525,232)	280,426	(777,153)	(2,021,959)
State Controller	(166,298)	-	(87,566)	(253,864)
Revenue	(1,703,372)	-	(864,719)	(2,568,091)
Cultural Resources	(1,207,657)	-	(612,966)	(1,820,623)
Board of Elections	-	-	(5,473)	(5,473)
Administrative Hearings Office	(62,288)	-	(32,837)	(95,125)
Administrative Rules Review	(8,166)	-	(5,473)	(13,639)
Judicial	(6,459,241)	1,050,000	(3,272,798)	(8,682,039)
Justice	(1,655,599)	184,852	(782,626)	(2,253,373)
Corrections	(12,102,409)	20,790,106	(6,392,354)	2,295,343
Crime Control & Public Safety	(897,114)	165,000	(448,778)	(1,180,892)
Agriculture	(1,258,950)	-	(640,330)	(1,899,280)
Labor	(260,005)	-	(131,350)	(391,355)
Environment, Health, and Natural Resources	(5,200,291)	4,637,047	(814,349)	(1,377 593)

S.B. 1426 (Conference Report PCCS-4750) (Continued)

	Budget Reduction	Expansion Funding	Management Flexibility	Total Net Change
Economic & Community Development	(911,174)	-	(448,778)	(1,359,952)
Microelectronics Center	(1,671,000)	-	-	(1,671,000)
Biotechnology Center	(363,776)	-	(125,877)	(489,653)
Transportation - Aeronautics	(195,497)	-	-	(195,497)
Transportation - Railroads	(66,002)	-	-	(66,002)
Human Resources	(32,697,869)	26,118,994	(17,163,035)	(23,741,910)
Contingency and Emergency Fund	(33,750)	-	-	(33,750)
Salary Adjustment Fund	(11,273)	-	-	(11,273)
Salary Increase Reserve	(9,200,000)	-	-	(9,200,000)
Reserve for Accounting System	-	2,000,000	-	2,000,000
Debt Service	-	4,720,800	-	4,720,800
	($244,532,737)	$114,753,071	($97,900,000)	($227,679,666)

DEPARTMENT OF PUBLIC EDUCATION

	1990-91
BUDGET REDUCTIONS	
DEPARTMENT OF PUBLIC INSTRUCTION:	
1. Reductions in departmental budget.	($1,657,231)
2. Reduction in salary reserve funds.	(93,466)
SUBTOTAL - REDUCTIONS, DEPARTMENT OF PUBLIC INSTRUCTION	(1,750,697)
PUBLIC SCHOOL FUND:	
1. **Adjustments in the Public School Fund** - Reduction due to adjustments in average daily membership and average teacher salary.	(8,653,661)
2. **Career Development Program** - Reduce 16 career development pilot systems to full Senate Bill 2 funding (7% of payroll).	(4,693,368)
3. **School Bus Replacement** - Delay purchase of school buses for one year except for pre-1977 bus replacement and emergency reserve.	(22,500,000)
4. **Basic Education Program** - Defer some portions of the Basic Education Program.	(71,510,760)
5. **Student Transportation** - Reduce budget by 5% due to lower fuel costs and improved efficiency.	(5,500,000)
6. **Tort Claims** - Reduce budget because of lower claims experience.	(2,000,000)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
7. **Prospective Teacher Scholarship Loans** - Reduce budget by anticipated repayments received.	(500,000)
SUBTOTAL- REDUCTIONS, PUBLIC SCHOOL FUND	($115,357,789)
TOTAL REDUCTIONS - PUBLIC EDUCATION	**($117,108,486)**
EXPANSION BUDGET	
PUBLIC SCHOOL FUND	
8. **Senate Bill 2** - Full funding for Senate Bill 2 in FY 1990-91.	39,436,046
9. **Handicapped Children, Ages 3 & 4.**	3,680,960
SUBTOTAL - PUBLIC SCHOOL FUND	43,117,006
DEPARTMENT OF PUBLIC INSTRUCTION	
1. **Drug Prevention Programs** Phase one of the expansion and development of K-6 curriculum on drug and alcohol prevention education programs.	97,850
K-12 drug and alcohol prevention as a part of the Basic Education Program.	400,000
Grades 7-12 education program on the effects of drugs on a developing fetus.	250,000
Evaluations of drug prevention programs.	250,000
Expansion of DARE into al 5th and 6th grade classes 5 positions.	300,264
Implement eight student assistance programs.	468,680
Implement and evaluate eight Peer Self-Help programs.	450,000
SUBTOTAL - DEPARTMENT OF PUBLIC INSTRUCTION	2,216,794
TOTAL EXPANSION - DEPARTMENT OF PUBLIC EDUCATION	45,333,800
TOTAL NET BUDGET CHANGE	**($71,774,686)**

DEPARTMENT OF COMMUNITY COLLEGES

BUDGET REDUCTIONS	1990-91
1. Reduce the budget of the Department of Community Colleges by 3% in a negative reserve with a provision authorizing the State Board to establish guidelines for implementation.	($11,523,666)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

		1990-91
2. Reduce salary reserve funds by half.		(6,578)
TOTAL REDUCTIONS		**($11,530,244)**

EXPANSION BUDGET

1. Fully fund Community College enrollments through a combination of appropriation and tuition increases.	Gen. Fund Total Requirements:	$15,333,086
	Tuition Receipts:	($6,711,040)
Raises in-state tuition from $90 to $105 a quarter and out-of-state from $840 to $981 a quarter. Also increases occupational extension fee from $15 to $25 a course.	Net Gen. Fund Appropriation:	$8,622,046
TOTAL EXPANSION		**$8,622,046**
TOTAL NET BUDGET CHANGE		**($2,908,198)**

Institutional funding will not be subject to management flexibility factor.

BOARD OF GOVERNORS

BUDGET REDUCTIONS	1990-91
UNIVERSITY OPERATIONS	
1. UNC General Administration: Eliminate 19.5 positions and non-personnel support.	(829,680)
2. Distinguished Professors Endowment Trust Fund: Reduce budgeted amount by 50%.	(1,000,000)
3. Need-Based Scholarships: Eliminate the 90-91 budgeted increase.	(500,000)
4. Elizabeth City State Incentive Scholarship Funds: Eliminate 90-91 expansion because existing funding is sufficient to cover projected costs.	(500,000)
5. Impose Temporary Additional Fees: Increase tuition charges by $41.50 per full-time in-state student and $83 per full-time non-resident student to reduce appropriations. UNC proposed this as a one-time fee.	(5,682,720)
6. Eliminate 206.7 Full-Time Equivalent Teaching Faculty Positions: This is a pro-rata reduction of 2.4% of budgeted teaching positions.	(11,296,736)
7. Eliminate 51.6 Full-Time Equivalent Non-Teaching Faculty Positions: This is a pro-rata reduction of 2.4% of budgeted non-teaching positions which are exempt from the State Personnel Act (EPA).	(2,121,412)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
8. Eliminate 241.2 SPA Positions: This eliminates 68% of the number of positions frozen by the Office of State Budget and Management.	(5,294,216)
9. Other Reductions in Operating Budgets: This includes $653,295 in building operating reserves, and miscellaneous reductions by campus.	(3,964,552)
10. Salary Reserves: Eliminate 50% of salary reserves.	(271,587)
SUBTOTAL BUDGET REDUCTIONS UNIVERSITY OPERATIONS	**($31,460,903)**
UNIVERSITY OF NORTH CAROLINA HOSPITALS	
Reduce General Fund operating funds by 3%.	(1,159,170)
RELATED EDUCATIONAL PROGRAMS	
Reduce various programs by 3%.	(1,413,300)
N.C. SCHOOL OF SCIENCE AND MATHEMATICS	
Reduce operating budget by 3%.	(230,356)
AGRICULTURAL PROGRAMS	
Reduce budget by 3%.	(2,103,256)
TOTAL BUDGET REDUCTIONS	**($36,366,985)**
EXPANSION	
CENTER FOR ALCOHOL STUDIES ENDOWMENT	
1. A portion of the estimated receipts from increase in Driver's License Restoration Fee for DWI suspensions are used to fund the Center for Alcohol Studies Endowment at UNC-Chapel Hill as directed in Section 4, Chapter 786, 1989 Session Laws.	850,000
TOTAL NET CHANGE	**($35,516,985)**

DEPARTMENT OF CORRECTION

BUDGET REDUCTIONS	
DEPARTMENTAL MANAGEMENT	
1. Reduce funds for the following items for operating expenses in Fund 1110:	
Office supplies	(18,680)
Data processing supplies	(1,220)
Travel	(20,070)
Equipment repair	(9,300)
Postage	(3,687)
Telephone	(8,993)
Service contracts	(20,952)
Motor vehicle operations	(21,000)
Vehicle add ons	(3,000)
Office equipment	(22,086)
Reference books	(1,291)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
Rent	(6,360)
Dues and subscriptions	(11,952)
Instructional equipment	(3,835)
Employee educational	(8,949)
Intra-agency service	(4,107)
Other equipment	(1,800)
Utilities	(1,200)
DIVISION OF PRISONS - DIVISION MANAGEMENT	
1. Reduce funds for equipment in Fund 1210	(8,126)
DIVISION OF PRISONS - CUSTODY AND SECURITY	
3. Delete Correctional Officer positions and utility and maintenance expense for classroom construction. Classrooms will not be available until FY 1991-92.	(406,692) (E) (14)
4. Delete Correctional Sergeant positions for the smallest minimum custody units.	(315,284) (E) (17)
5. Delete in-service Training Coordinator positions for Area Offices.	(211,394) (E) (6)
6. Delete Stenographer positions for field unit superintendents.	(136,416) (E) (5)
7. Delete Correctional Officer positions at prison units not included in *Small v. Martin* and not currently under lawsuits.	(1,083,501) (E) (63)
8. Reduce equipment line items for lockers for new units and pay for them out of Welfare Fund.	(310,524) (E)
9. Reduce heating line item.	(500,000)
10. Reduce equipment and telephone line items (radios, walkie talkies, data processing equipment, training equipment and telephone systems).	(405,000)
11. Reduce data processing equipment and cancel purchase of field communication equipment.	(62,000) (E)
12. Reduce out-of-state travel to conferences.	(96,358)
13. Reduce purchase of safety equipment (metal storage buildings, metal cabinets, emergency generators, and air packs) for units not under litigation.	(258,000) (E)
14. Reduce purchase of janitorial supplies.	(200,000)
15. Reduce purchase of equipment.	(80,000) (E)
DIVISION OF PRISONS - HEALTH SERVICES	
16. Delete vacant positions in health services.	(335,371) (12)
17. Reduce contractual medical services.	(360,584)
18. Reduce purchase of medical equipment.	(75,000) (E)
DIVISION OF PRISONS - EDUCATIONAL SERVICES	
19. Reduce contractual services for music teacher at Western Correctional Center and ECONO College (UNC correspondence courses).	(20,000)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
20. Delete vacant teacher positions for adult inmates.	(125,470) (4)
21. Reduce academic and vocational supply line items and pay for them from Welfare Fund.	(268,630)
DIVISION OF PRISONS - PROGRAM SERVICES	
22. Delete program clerical positions at field units.	(520,206) (E) (23)
23. Reduce contractual services, for substance abuse programs, to actual expenditure level for FY 1989-90.	(28,965)
DIVISION OF ADULT PROBATION AND PAROLE - PAROLE/PROBATION FIELD SERVICES	
24. Reduce funds for the following items for operating expenses in Fund 1430.	
Travel	(100,000)
Office Equipment	(40,000)
DEPARTMENT WIDE	
25. Reduce Salary Reserve balance (5/17/90) and related Social Security and Retirement by one-half.	(66,455)
SUBTOTAL REDUCTIONS	($6,182,458) (144)
RECEIPTS	
26. Increase receipts for meals purchased from the Department of Correction. Charge per meal is to increase from $1.25 to $2.00 prior to tax being added.	(519,017)
27. Re-negotiate contract with Department of Transportation to cover costs incurred for providing medium custody inmates for road squads.	(2,883,856)
28. Increase receipts for unsentenced safekeepers sent by counties to Division of Prisons. Payment is $12.50/day.	(319,500)
29. Increase receipts from counties for medical expenses for unsentenced safekeepers sent to the Division of Prisons.	(319,728)
30. Increase receipts for per diem charge to inmates on Work Release from $8.00/day to $12.50/day.	(1,877,850)
SUBTOTAL DEPARTMENTAL RECEIPTS	($5,919,951)
TOTAL GENERAL FUND REDUCTIONS	**($12,102,409)** **(144)**
EXPANSION BUDGET	
1. Expand the Electronic House Arrest Program during FY 1990-91 to an additional 2,000 State probationers and parolees and 1,000 offenders supervised by local officials. These offenders are at high risk of incarceration or reincarceration. (HB 2290)	$1,925,742 2,917,430 NR (31)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

		1990-91
2.	Expand the Intensive Supervision Probation/ Parole Program to supervise an additional 3,038 offenders in FY 1990-91. (HB 2290)	7,462,663 (253)
3.	Raise the per diem payment from $12.50 to $14.50 per day for State inmates serving sentences of 30 days or more in local confinement facilities. (HB 2292)	604,678
4.	Funds for Southern Appalachia Mainstream, Inc., a community-based residential program for offenders who are being paroled or released and are in need of residence plans, community service jobs, and/or social readiness skills. (HB 2291)	190,000
5.	Provide funds for three additional Parole Case Analysts and three stenos to the Parole Commission to reduce case workload.	195,687 (6)
6.	Increase funds for per diem items for inmates due to March 6, 1990 prison cap increase from 18,000 to 18,715 inmates.	1,684,298
7.	Increase funds for per diem items for inmates due to additional increase in prison cap from 18,715 to 20,435 being proposed for FY 1990-91.	1,405,661
8.	Provide funds for the early opening of dormitories at Sampson, Franklin, and Columbus County prison units.	907,882
9.	Provide funds for the early opening of prison dormitories and facilities not previously budgeted for FY 1990-91.	$2,316,735 (145.50)
10.	Provide operating funds for dormitories constructed with funds reallocated from other capital funds.	2,463,838 (156)
11.	Funds for early startup of Correctional Officer positions at Wake Correctional Center.	138,416
12.	Fund additional positions for the Combined Records section to keep offender records up-to-date.	62,976 (2)
13.	Provide additional funds to comply with order of court (*Smith vs. Bounds*) Law libraries were abolished in FY 89-90 and replaced by legal representation furnished by North Carolina Prisoners Legal Services, Inc.	289,705
SUBTOTAL OPERATING EXPANSION		**$22,565,711**
SUBTOTAL EXPANSION POSITIONS		**(593.50)**
RECEIPTS		
14.	Decrease appropriation due to increased receipts from counties for safekeepers sent by counties to Division of Prisons. Per diem to increase from $12.50 to $14.50.	($103,595)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
ALLOCATION OF FY 1990-91 RESERVE ALREADY APPROPRIATED	
15. In 1989, $1,672,010 was appropriated for FY 1990-91 in a reserve to the Department of Correction to be allocated by the 1990 Session of the General Assembly. These funds are to be used to offset early operational costs for the additional facilities noted above.	($1,672,010)
TOTAL OPERATING EXPANSION	**$20,790,106**
TOTAL POSITIONS	**(593.50)**
TOTAL NET BUDGET CHANGE	**$8,687,697**

JUDICIAL DEPARTMENT

BUDGET REDUCTIONS	
1. Surplus in Assistant and Deputy Clerk and Magistrates' Reserve for Pay Plans.	(550,000)
2. Reduce Service and Maintenance contracts for equipment (telephones, copiers, typewriters).	(300,000)
3. Reduce Overtime for permanent employees.	(40,933)
4. Reduce Premium Payments for employees.	(2,164)
5. Reduce Unemployment Compensation line item.	(22,023)
6. Reduce Workers' Compensation line item.	(52,824)
7. Reduce Temporary Salaries line item.	(877,796)
8. Reduce Equipment (data processing, copiers, typewriters).	(1,195,660) (E) (750,000)
9. Reduce Operational Expenses (dues, subscriptions, registration fees).	(100,000)
10. Reduce Supplies and Materials line item.	(325,000)
11. Reduce Telephone Services	(35,581)
12. Reduce Travel line items:	
Suspend judicial rotation in Superior Court for 3 months of each 6-month term	(125,000)
Reduce Travel - District Court	(20,000)
Reduce Travel - District Attorneys	(30,000)
Reduce Travel - Continuing education, judicial conferences	(50,000)
13. Reduce line item for Contractual Emergency Judges. (Reduction of 1667 to 973 days)	(104,960)
14. Reduce Contractual Court Reporters	(100,700)
15. Reduce Contractual Assistant District Attorneys and Assistant Public Defenders.	(25,477)
16. Reduce Contractual Services for General Administration and Information Services for Bench Book and Patterned Jury Instruction books and programming services.	(25,000)
17. Reduce expansion funds for Dispute Settlement Centers (Durham, Buncombe, Henderson).	(9,500) (E)
18. Reduce expansion funds for court ordered Arbitration Program in civil matters not exceeding $15,000 (Mecklenburg, New Hanover, Guilford, Forsyth, Wake).	(150,000) (E)
19. Reduce expansion funds for Custody Mediation Program grants (Buncombe).	(50,000) (E)
20. Reduce Continuing Education Expense for judges.	(25,000)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
21. Delay effective date of all new 1990-91 Judicial Department positions, with the exception of judges, until April 1, 1991.	(1,291,644)
22. Reduce Salary Reserve balance (5/17/90) and related Social Security and Retirement by one-half.	(199,979)
TOTAL GENERAL FUND REDUCTIONS	**($6,459,241)**

EXPANSION BUDGET

1. Utilize lapsed salaries to cover the costs of the extended terms of office for special superior court judge. (Cost = $61,260. No additional appropriation needed.)	—
2. Utilize funds available for FY 1990-91 to meet additional operating expenses for office, warehouse and print shop rental, supplies, jury and witness fees, court record book restoration, telephone system repairs, moving related expenses, indigent persons' attorney fees, and postage due to increased postage rates (Cost = $1,530,000. No additional appropriation needed.)	—
3. Fund Sentencing and Policy Advisory Commission	550,000 (7)
4. Provide funds for a reserve to pay for resentencing hearings for capital cases.	500,000
5. Utilize up to $759,292 of funds appropriated to the Indigent Persons' Attorney Fee Fund for salaries, benefits, and related expenses for the Office of Public Defender to be established in Defender District 14 effective July 1, 1990. (Cost = $759,292. No additional appropriation needed.)	— (15)
6. Utilize funds available to the Department to support the existing Rape Victim Witness Counselor Program for Brunswick/Bladen/and Columbus Counties or the Custody Mediation Program in Buncombe County. (Cost = $25,000. No additional appropriation needed.)	—
TOTAL OPERATING EXPANSION	**1,050,000**
TOTAL EXPANSION POSITIONS	**(22)**
TOTAL NET BUDGET CHANGE	**($5,409,241)**

DEPARTMENT OF JUSTICE

BUDGET REDUCTIONS	1990-91
SALARY RESERVE	
1. Reduce salary reserve of $77,350 and related benefits by one-half.	($46,174)
ADMINISTRATION	
2. Reduce administrative expenses in three categories from 1989-90 levels:	(16,000)
Supplies & Travel - 11,000	
Office furn. & Equip. - 2,000	
Data processing - 3,000	

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
LEGAL SERVICES	
3. Delete authorized expansion funds for increased travel.	(80,300)
4. Reduce telephone and postage.	(30,000)
5. Delay installation of the Barrister Legal Automation System.	(100,000)
STATE BUREAU OF INVESTIGATION	
6. Reduce Division of Criminal Information (DCI) line costs.	(40,000)
7. Abolish overtime payments to the five (5) Assistant Directors and to the Chief Investigator.	(31,000)
8. Reduce SBI Management/Supervisory training.	(57,000)
9. Eliminate reimbursements to boards and commission members.	(18,000)
10. Reduce Laboratory equipment expenditures.	(200,000)
11. Eliminate replacement of approximately fifteen (15) vehicles.	(240,000)
12. Eliminate two (2) vacant positions in the Financial Crime Section.	(91,259) (2)
13. Abolish thirteen (13) vacant agent positions.	(458,866) (13)
14. Reduce expenditures for law enforcement equipment.	($100,000)
TRAINING AND STANDARDS	
15. Reduction in force (1% of Net Appropriation) of two (2) positions - salaries and benefits.	(50,000) (2)
16. Implement general across-the-board reductions (1/2 of 1%) in operating expenses and reduce sub-programs (travel, equipment, maintenance and repairs, employee training, utilities, etc.).	(50,000)
SUBTOTAL REDUCTIONS	($1,608,599) (17)
RECEIPTS	
17. Budget programmed increases in receipts in the Law Enforcement Liaison Unit per authority of G.S. 114-8.2.	($29,000)
18. Budget fees authorized per G.S. 114-8.2 that are charged to Boards and Commissions which utilize legal services from the Department of Justice.	(18,000)
SUBTOTAL RECEIPTS	($47,000)
TOTAL BUDGET REDUCTIONS	**($1,655,599)**
TOTAL POSITION REDUCTIONS	**(17)**
EXPANSION BUDGET	
1. Provide funding to support four additional training schools to complete statewide expansion of the Drug Abuse Resistance Education Program (DARE).	$184,852 (2)
TOTAL NET BUDGET CHANGE	**($1,470,747)**
TOTAL NET POSITION REDUCTIONS	**(15)**

S.B. 1426 (Conference Report PCCS-4750)(Continued)

DEPARTMENT OF CRIME CONTROL & PUBLIC SAFETY

BUDGET REDUCTIONS	1990-91
HIGHWAY FUND	
HIGHWAY PATROL	
1. Reduce salary reserve of $662,021 and related benefits by one-half.	($411,745)
2. Delete three (3) data processing positions.	(135,013)
	(3)
3. Adjust the clothing allowance ($500) for troopers assigned to the Governor's Security to agree with the rate of payment to SBI agents ($400 per year).	(1,700)
4. Eliminate replacement by approximately 163 vehicles.	(2,272,972)
5. Reduce funding in the following areas:	
Fuels and lubricants	(35,088)
Tires and tubes	(40,673)
Parts and labor	(33,277)
Helicopter Operations	(50,000)
Travel	(62,500)
Educational expense	(48,000)
Office furniture and equipment	(12,206)
Communication equipment	(33,811)
Data processing equipment	(30,763)
TOTAL HIGHWAY FUND (HP) REDUCTIONS	**($3,167,748)**
TOTAL POSITION REDUCTIONS	**(3)**

GENERAL FUND

BUDGET REDUCTIONS	
SALARY RESERVE	($32,939)
1. Reduce salary reserve of $55,178 and related benefits by one half.	
ADMINISTRATION	(46,771)
2. Delete the Data Processing Services position authorized for FY 90-91	(1)
NATIONAL GUARD	(260,267)
3. Reduce state costs for telephone service by charging appropriate expenses to the federal government.	
EMERGENCY MANAGEMENT	(53,087)
4. Delete an Emergency Management Officer position.	(1)
VICTIM & JUSTICE SERVICES	(184,287)
5. Reduce the expansion of Community Penalties Program.	
6. Reduce in-state Travel/Transportation.	(48,964)
GOVERNOR'S CRIME COMMISSION	(95,713)
7. Eliminate two of three vacant positions - Criminal Justice Planner II, Pos. #4970-0000-0001-215 ($32,148); and Criminal Justice Planner II, Pos. #4970-0000-0001-217 ($41,436).	(2)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

		1990-91
8.	Reduce match for Drug Enforcement grants to State agencies.	(110,000)
9.	(The following funds will be cut in the areas of: Travel, Printing, Cleaning Supplies, Motor Vehicle Operations, Communications, Other Equipment, or Utilities)	
	Butner Public Safety	($26,000)
	Crime Prevention	(25,000)
	National Guard	(10,000)
	Civil Air Patrol	(4,086)
	TOTAL GENERAL FUND REDUCTIONS	**($897,114)**
	TOTAL POSITION REDUCTIONS	**(4)**

EXPANSION BUDGET

1.	Provide funds to Summit House, a community-based residential alternative for pregnant women convicted of nonviolent crimes.	$165,000
		State Aid
	TOTAL NET BUDGET CHANGE	**($732,114)**
	TOTAL POSITION REDUCTIONS	**(4)**

DEPARTMENT OF HUMAN RESOURCES

DIVISION OF MEDICAL ASSISTANCE

1.	Reductions due to revised estimates of patient utilization of Medicaid services for FY 90-91.			
	Total Reduction	($17,131,214)		
	FFP Increase	8,731,206		
	Repeal of Catastrophic	(900,000)		
	OBRA 1989	1,201,644		
	Pregnant Minors	4,515,723		
	Net Reduction		($3,582,641)	
2.	Reductions due to increased administrative efficiency and programmatic oversight of the Medicaid program.		(1,377,280)	
			31	
3.	Reductions due to changes in GS 108A-57 which makes individuals liable for reporting third party information to the Medicaid program.		(211,575)	
4.	Reductions due to rebates from pharmaceutical companies for drugs purchased by Medicaid beneficiaries.		(282,100)	
5.	Reductions due to revised drug reimbursement policy as required by the Health care Financing Administration.		(1,040,000)	
6.	Reductions due to strengthening of prior approval process, utilization reviews, and post payment reviews for hospital and nursing care, and for home health care services.		(3,727,407)	
7.	Reductions due to settlements from expediting nursing home audits.		(304,579)	NR
8.	Infant Mortality/Pregnant Women & Infants. Expand coverage to pregnant women and infants with family incomes equal to or less than 185% of the federal poverty guidelines effective October 1, 1990.		2,284,900	

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	1990-91
9. Infant Mortality/Physician Reimbursement for Maternity Care Services. Fund an increase in physician reimbursements for maternity care services effective October 1, 1990. The fee for comprehensive prenatal care and delivery services will increase from $925 to 1100.	1,486,252
10. Infant Mortality Case Management Services for High Risk Infants. Funds to pay for intensive case management services for infants and children under age 5 who are at high risk for special health problems effective October 1, 1990.	1,120,360
11. Infant Mortality/Transportation for Medicaid Eligibles. Funds to provide counties with grants to support the non-federal share of providing transportation services to Medicaid eligibles effective October 1, 1990.	750,000 State Aid
STATE AID TO NON-STATE AGENCIES	
1. Infant Mortality/Childrens Home Society. Funds to support prenatal counseling for pregnant women and adoption placement services for infants with special medical needs.	100,000 State Aid
DIVISION OF SOCIAL SERVICES	
1. Eliminate the transfer of funds to the Employment Security Commission for medical examinations required by the federal Work Incentives Program (WIN). The WIN Program will terminate on September 30, 1990.	(27,000)
2. Reduce funding for maintenance contracts on State owned equipment located in county department of social services.	(37,000)
3. Reduce appropriations in the Child Foster Care Payment Program by increasing receipts from Child Support Collections.	(50,000)
4. Budget increased federal Title IVB funds for state administrative costs in Child Welfare Services and reduce state appropriations.	(493,865)
5. Budget Prior Year Earned Revenues and Indirect Cost funds and reduce state appropriations.	(897,998) NR
6. Budget one time Social Services Block Grant funds to replace state funds for In-Home Services.	(1,200,000) NR State Aid
7. Infant Mortality/Food Stamp Outreach Funds To inform public and private agencies and community groups, and the general public about the Food Stamp Program Funds to support estate level positions, materials, printing and mailing costs.	72,818
8. Aid To Families With Dependent Children Program. Funds to support the cost of reductions in federal participation rates, lower than anticipated offsets from child support collections and rising AFDC caseloads.	7,105,446 (2)
9. JOB's Opportunities and Basic Skills Training Program. Funds to support state and county implementation of the JOBS program. Forty counties will implement October 1, 1990. A total of 55 counties will have programs by June	

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		1990-91
1991. Worker Training Trust funds will support $2,000,000 in expansion requirements for JOBS in FY 90-91.		1,008,240 918,957 NR (6)
10. Foster Care Program. Funds to support increased costs for foster care due to rising number of children needing placement.		2,422,860
11. State/County Special Assistance Program. Funds to support the cost of rising caseloads of persons in domiciliary care homes.		219,393
12. Child Support Enforcement. Funding to offset a reduction in the level of federal financial participation and to offset underrealized receipts in Incentive payments to the state.		114,776
13. Domiciliary Care Homes Rate Increase: Funds to raise rates for domiciliary care homes by 3% effective January 1, 1991.		
Social Services:	$1,319,394	
Services for the Blind:	$9,450	1,328,844

DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

1. Reductions due to increased receipts from the Medicaid Program for ICF nursing care provided in psychiatric hospitals and the Special Care Center in Wilson. Increased receipts are due to efforts to revise Medicaid reimbursement policies to capture the actual cost of care in public facilities.		
Broughton Hospital	($2,122,742)	
Cherry Hospital	(1,191,321)	
John Umstead Hospital	(637,183)	
Special Care Center	(2,724,298)	(6,675,544)
2. Adjust anticipated patient receipts in the MH/DD/SAS institutions to a more realistic level.		
Broughton Hospital	($504,095)	
Cherry Hospital	259,210	
Dorothea Dix Hospital	1,465,582	
John Umstead Hospital	9	
Black Mountain Center	(360,370)	
Caswell Center	3,753,347	
Murdoch Center	593,484	
O'Berry Center	1,175,094	
Western Carolina Center	204,615	
Black Mountain ADATC	5,429	
Butner ADATC	30,222	
Walter B. Jones ADATC	(53,403)	
North Carolina Special Care Center	70,164	($6,639,288)
3. Begin charging patients on an ability to pay basis for forensic evaluations performed by Dorothea Dix Hospital.		(618,087)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

		1990-91
4.	Increase receipts at John Umstead Hospital by contracting with area programs in the North Central Region for eleven detox beds.	(762,417)
5.	Reduce operational funding for 13 Developmental Disabilities HUD group homes, 5 apartments, and 1 mentally ill HUD home based on refined completion time lines.	(550,340) NR State Aid
6.	Delay for one-year the implementation of Phases 3 and 4 of the Pioneer Funding Project.	(1,233,500) NR State Aid
7.	Funds to implement early intervention services for handicapped infants and toddlers and their families (PL 99-457, Part H).	4,428,574 State Aid
8.	Transfer to the General Fund $600,000 from a building depreciation reserve in the laundry interagency fund at Cherry Hospital.	(600,000) NR
9.	Funds to implement the recommendations of the NC Drug Cabinet:	
	a. Expand Parent to Parent Program.	25,000
	b. Establish a reserve in the Division to bring alcohol, drug abuse treatment centers into compliance with standards of the Joint Commission on the Accreditation of Hospitals.	450,000
	c. Expand availability of medical medical detoxification services.	85,000 State Aid
	d. Develop intensive outpatient services in all 41 area programs.	517,452 State Aid
	e. Develop 581 new half-way house beds for adults and adolescents.	189,858 State Aid
	f. Provide training for substance abuse professionals.	15,250
	g. Additional substance abuse staff for training schools.	60,000 State Aid
	h. Co-locate substance abuse counselors in health departments.	90,700 State Aid
	i. Expand the treatment alternatives to Street Crime Program (TASC)	61,000 State Aid
10.	Operational Funds for the Alzheimer's Unit at Black Mountain Center.	735,814

DIVISION OF VOCATIONAL REHABILITATION SERVICES

1.	Delay for five months the establishment of two new rehabilitation independent living programs. (Wilmington and Hickory).	(300,000) NR
2.	Increase federal receipts available for direct client services and decrease state appropriations.	(526,140) NR

DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING

1.	Eliminate the practice of paying teachers in the schools for the deaf for unused portions of their annual leave.	(168,064) NR

DIVISION OF SERVICES FOR THE BLIND

1.	Budget overrealized Medicaid receipts generated in the Personal Care Services Program	(100,562) NR

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
2. Reduce the line item for supplemental assistance payments to blind people in rest homes.	(39,863) NR
DIVISION OF ECONOMIC OPPORTUNITY	
1. Reduce "Aid to Community Action Agencies" funding by 5.5% to all community action agencies funded by this Division.	(52,619) NR State Aid
SECRETARY'S OFFICE	
1. Infant Mortality/Physician Recruitment. Funds to support the recruitment of physicians and nurse midwives to locate immediately underserved areas.	430,000
DIVISION OF YOUTH SERVICES	
1. Funds to implement the recommendations of the NC Drug Cabinet: Increase the assessment capabilities to youth in each of the eleven detention centers.	97,500
ALL DIVISIONS AND SECRETARY'S OFFICE	
1. Reduce 2XXX through 5XXX line-items budgeted across the Department for one year by delaying expenditures.	($1,200,000) NR
Total Recurring Reductions	($25,524,204)
Total Non-recurring Reductions	($7,173,665)
Expansion Items	$19,836,410
Expansion Items - State Aid	$6,282,584
TOTAL NET BUDGET CHANGE	**($6,578,875)**

DEPARTMENT OF ADMINISTRATION

BUDGET REDUCTIONS	1990-91
WORKFORCE REDUCTIONS	
1. Reduce appropriations for salaries and related benefits by eliminating 13 positions department-wide, including 4 positions in the Office of State Personnel	(450,731) (13)
POLICY AND PLANNING	
2. Reduce appropriations for Aid to Council of Governments.	(29,700) State Aid
OFFICE OF STATE PERSONNEL	
3. Reduce appropriations of $20,000 for Contractual Services, $20,000 for OJT Incentive, $10,000 for Maintenance Contracts and $28,950 for other expense items.	(58,950) (20,000) State Aid

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
STATE CONSTRUCTION AND PROPERTY	
4. Reduce appropriations by $50,798 for Data Processing Services, $10,000 for Maintenance Contracts, $20,000 for DP Equipment, $27,000 Reserve for State Building Commission and $13,058 for other expenses.	(120,856)
STATE BUILDING COMMISSION	
5. Reduce appropriations of $19,500 for Travel expenses and $5,500 other expenses.	(25,000)
FACILITY MANAGEMENT DIVISION	
6. Reduce appropriations of $369,987 for Utilities and $81,359 for Other Services.	(451,346)
JAMES KNOX POLK BUILDING	
7. Reduce appropriations by $75,000 which will be offset by $75,000 in increased rental receipts for the building.	(75,000)
PURCHASE AND CONTRACT	
8. Reduce appropriations by $91,400 for Data Processing Services and $25,600 in other expenses.	(117,000)
STATE SURPLUS PROPERTY	
9. Reduce appropriations of $9,600 for other expenses.	(9,600)
VETERANS AFFAIRS	
10. Reduce appropriations for educational grants.	(50,000)
N. C. ALCOHOLISM RESEARCH AUTHORITY	
11. Reduce appropriations for research grants.	(5,400) State Aid
SCIENCE AND TECHNOLOGY RESEARCH	
12. Reduce appropriations for research grants.	(61,649) State Aid
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY	
13. Reduce appropriations for Contracted Services.	(50,000)
SUBTOTAL - OPERATIONS	($1,408,483)
SUBTOTAL - STATE AID	(116,749) State Aid
TOTAL BUDGET REDUCTIONS	**($1,525,232)**
POSITIONS	**(13)**

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
EXPANSION BUDGET	
OFFICE OF STATE PERSONNEL	
1. Expand the Employee Assistance Program (EAP) to adequately serve all state employees. This will add an EAP regional office and representative in the Orange County and New Hanover County areas and 2 Drug-free educators and 2 EAP representatives in existing offices.	$280,426 (6)
TOTAL NET BUDGET CHANGE	**($1,244,806)**
TOTAL NET POSITION CHANGE	**(7)**

OFFICE OF ADMINISTRATIVE HEARINGS

BUDGET REDUCTIONS	
OPERATING EXPENSES	
1. Reduce appropriations by $24,112 for Travel, $6,000 for Repairs and Maintenance, $11,413 for Data Processing Service, $10,573 for Office Furniture and Equipment and $10,190 for DP Equipment.	(62,288)

ADMINISTRATIVE RULES REVIEW COMMISSION

BUDGET REDUCTIONS	
OPERATING EXPENSES	
1. Reduce appropriations for operating expenses.	(8,166)

OFFICE OF STATE AUDITOR

BUDGET REDUCTIONS	
WORKFORCE REDUCTIONS	
1. Reduce appropriations for salaries and related benefits by eliminating 7 positions.	(243,544) (7)

OFFICE OF STATE BUDGET AND MANAGEMENT

BUDGET REDUCTIONS	
WORKFORCE REDUCTIONS	
1. Reduce appropriations for salaries and benefits by eliminating 1 position.	(39,107) (1)
OPERATING EXPENSES	
2. Reduce appropriations of $30,000 for Travel and $42,797 for other operating expenses.	(72,797)
TOTAL BUDGET REDUCTIONS	**($111,904)** **(1)**

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
SPECIAL APPROPRIATIONS	
BUDGET REDUCTIONS	
1. Reduce special appropriations by 3%	
a. North Carolina State Bar	(30,000)
b. Youth and Family Counseling Services	(2,400)
TOTAL REDUCTIONS	($32,400)
STATEWIDE RESERVE	
BUDGET REDUCTIONS	
1. Reduce statewide reserves by 3%	
a. Contingency and Emergency	(33,750)
b. Salary Adjustment Fund	(11,273)
STATE ACCOUNTING SYSTEM (SAS) RESERVE	
EXPANSION BUDGET	
1. Provide funds for a statewide reserve for continued implementation of the SAS including $1.2 million for Outside Services, $400,000 for processing costs and $400,000 for equipment. The funds will be distributed to the Office of State Controller and other state departments and institutions for implementation of the accounting system.	
This is partial funding for year 1 of a five year plan for complete implementation of the SAS at an estimated total cost of $18 million.	$2,000,000
OFFICE OF THE GOVERNOR	
BUDGET REDUCTIONS	
WORKFORCE REDUCTIONS	
1. Reduce appropriations for salaries and related benefits by eliminating 2 positions.	(72,832) (2)
ADMINISTRATION	
2. Reduce appropriations of $17,000 for operating expenses.	(17,000)
GOVERNOR'S WESTERN OFFICE	
3. Reduce appropriations of $6,230 for operating expenses.	(6,230)
OFFICE OF CITIZEN AFFAIRS	
4. Reduce appropriations for advertising.	(4,000)
RALEIGH EXECUTIVE RESIDENCE	
5. Reduce appropriations for other expenses.	(4,349)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
OTHER	
6. Reduce reserve by $24,646 for health insurance and retirement increases, $15,171 for performance pay and $3,533 for 6% salary increase related to the 2 positions eliminated.	(43,350)
TOTAL BUDGET REDUCTIONS	**($147,761)**
POSITIONS	**(2)**

DEPARTMENT OF INSURANCE

BUDGET REDUCTIONS	
WORKFORCE REDUCTIONS	
1. Reduce appropriations for salaries and related benefits by eliminating 2 positions.	(48,770) (2)
OPERATING EXPENSES	
2. Reduce appropriations of $234,304 for operating expenses.	(234,304)
DEPARTMENT RECEIPTS	
3. Reduce appropriations by $120,000 and increase receipts for other income and revenue from the Sale of Training Manuals.	(120,000)
TOTAL BUDGET REDUCTIONS	**($403,074)**
POSITIONS	**(2)**

STATE CONTROLLER

BUDGET REDUCTIONS	
1. Reduce salaries and related benefits by eliminating one vacant Data Processing Consultant and one vacant Computing Consultant.	(90,491) (2)
2. Reduce other contracted services funds.	(55,433)
3. Reduce funds for office materials and supplies, communications, printing and dues and subscriptions.	(20,374)
TOTAL BUDGET REDUCTIONS	**($166,298)**
POSITIONS	**(2)**

DEPARTMENT OF CULTURAL RESOURCES
OPERATING BUDGET

BUDGET REDUCTIONS - OPERATING BUDGET	
OFFICE OF THE SECRETARY	
1. Reduce funds for telephone.	(2,700)
ADMINISTRATIVE SERVICES	
2. Reduce miscellaneous operating support.	(18,000)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
COMMUNICATIONS	
3. Reduce funds for operating expenses.	(9,180)
ARCHIVES AND HISTORY ADMINISTRATION	
4. Eliminate vacant History Museum Specialist position and related benefits.	(29,953) (1)
HISTORICAL PUBLICATIONS	
5. Reduce funds for printing.	(10,520)
ARCHIVES AND RECORDS	
6. Reduce support for other supplies and materials, travel and postage.	(43,127)
STATE HISTORIC SITES	
7. Reduce funds for travel, communications, utilities and repairs and maintenance.	(82,256)
TRYON PALACE	
8. Reduce support for utilities, building and equipment repairs and repairs and maintenance.	(21,183)
STATE CAPITOL/VISITOR CENTER	
9. Reduce funds for communications and printing.	(5,558)
HISTORIC PRESERVATION	
10. Reduce funds for travel and communication.	(17,087)
MUSEUM OF HISTORY	
11. Reduce reserve fund for new museum included in the expansion budget.	(185,220)
EASTERN OFFICE	
12. Reduce travel and telephone support.	(2,010)
WESTERN OFFICE	
13. Reduce funds for travel, telephone and other equipment.	(4,437)
MUSEUM OF ART	
14. Reduce funds for miscellaneous operational support items.	(90,000)
ARTS COUNCIL	
15. Reduce travel and telephone funds.	(9,600)
Art in State Buildings	(10,000)
SYMPHONY	
16. Reduce funds for postage.	(8,456)
STATE LIBRARY-INFORMATION SERVICES	
17. Reduce printing funds.	(21,595)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
BLIND AND HANDICAPPED	
18. Reduce funds for films.	(94,000)
SUBTOTAL REDUCTIONS - OPERATING	**($664,882)**
POSITIONS	**(1)**
BUDGET REDUCTIONS - GRANT FUNDS	
ARCHIVES AND HISTORY	
19. Historical Attractions	($3,000)
UNCONDITIONAL GRANTS	
20. Moore's Creek	(32)
HISTORIC SITES	
21. Local Grants	(337)
ARTS COUNCIL GRANTS	
22. Touring/Comm. Dev.	(29,900)
23. Theatre Arts	(16,300)
24. Dance, Folk, Literature	(23,400)
25. American Dance Festival	(10,000)
26. Statewide Arts Res.	(28,900)
27. Grassroots Arts	(45,000)
GRANTS-IN-AID TO THE ARTS	
28. Vagabond School	(1,500)
29. Art Society	(240)
30. N. C. Symphony Society, Inc.	(44,373)
SERVICES TO PUBLIC LIBRARIES	
31. Aid to Counties	(339,793)
SUBTOTAL REDUCTIONS-GRANTS-STATE AID	($542,775)
TOTAL REDUCTIONS	**($1,207,657)**
TOTAL POSITIONS REDUCTIONS	**(1)**

GENERAL ASSEMBLY

BUDGET REDUCTIONS	
1. Reduce funds for data processing service.	($152,119)
2. Reduce funds for 1991 Session which is budgeted for 24 weeks.	(500,000)
TOTAL REDUCTIONS	**($652,119)**

LIEUTENANT GOVERNOR

BUDGET REDUCTIONS	
1. Reduce support for other contractual services, office materials and supplies and travel.	($18,434)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
DEPARTMENT OF REVENUE	
BUDGET REDUCTIONS	
REDUCTION IN FORCE	
1. Eliminate approximately 17 positions, salaries and related benefits.	($503,372) (17)
MANAGEMENT INFORMATION SERVICES	
2. Reduce contractual services for new automation programs affiliated with upgrade of the computer system.	(1,200,000)
TOTAL REDUCTIONS	**($1,703,372)**
POSITIONS - APPROX.	**(17)**
SECRETARY OF STATE	
BUDGET REDUCTIONS	
PUBLICATIONS	
1. Discontinue funding for production of the Voter Registration Tape. (Repeal G.S. 163-66.1).	(42,259)
UNIFORM COMMERCIAL CODE DIVISION	
2. Reduce data processing services funding.	(30,000)
BUSINESS LICENSE INFORMATION OFFICE	
3. Reduce funds for telephone and data processing services.	(25,000)
SECURITIES REGISTRATION DIVISION	
4. Reduce data processing funds for Investment Advisory registration.	(16,512)
TOTAL REDUCTIONS	**($113,771)**
STATE TREASURER	
BUDGET REDUCTIONS	
GENERAL ADMINISTRATION	
1. Reduce required funding by increasing interdepartmental receipts.	(34,984)
LOCAL GOVERNMENT OPERATIONS	
2. Eliminate two vacant accounting positions, and reduce salaries and related benefits.	(74,535) (2)
3. Reduce work processing costs by eliminating two publications.	(13,234)
INVESTMENT MANAGEMENT	
4. Reduce funding for equity investment advisory fees.	(24,299)
TOTAL BUDGET REDUCTIONS	**($147,052)**
TOTAL POSITIONS REDUCTIONS	**(2)**

S.B. 1426 (Conference Report PCCS-4750)(Continued)

		1990-91
DEBT SERVICE - GENERAL FUND		
EXPANSION BUDGET		
1. Increase appropriation for payment of debt service on $20.5 million bond issued in May, 1989 for new parking deck.		$1,908,300
Principal	$1,575,000	
Interest	333,300	
Note: The Governor's recommended budget reflects an increase of a corresponding amount in the General Fund availability (non-tax revenue) from the collection of parking fees.		
2. Increase funding for payment of debt service on the proposed issuance of $75 million two-thirds bonds in December, 1990 for correctional facilities.		2,812,500
Principal	0	
Interest	$2,812,500	
TOTAL EXPANSION		**$4,720,800**
SALARY INCREASE RESERVE		
BUDGET REDUCTIONS		
1. Reduce requirements needed for FY 90-91 due to June 30, 1991 payroll being delayed for payment until July 1 of the next fiscal year.		($9,200,000)
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT		
BUDGET REDUCTIONS		
BUSINESS/INDUSTRY DEVELOPMENT		
1. Reduce Rural Economic Development Center grant.		($275,000) State Aid
ADMINISTRATION		
2. Eliminate 1 vacant assistant secretary position.		(62,434) (1)
SCIENCE & TECHNOLOGY CENTER		
3. Eliminate 1 vacant position.		(53,606) (1)
INDUSTRIAL COMMISSION		
4. Increase budgeted receipts.		(100,000)
TECHNOLOGICAL DEVELOPMENT AUTHORITY		
5. Reduce research grants.		(150,000) State Aid
HAZARDOUS WASTE MANAGEMENT COMMISSION		
6. Reduce reserve funds.		(50,000)
BUSINESS/INDUSTRY DEVELOPMENT		
7. Reduce travel, communications and advertising.		(20,000)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
INTERNATIONAL DEVELOPMENT	
8. Reduce travel and advertising.	(10,000)
TRAVEL & TOURISM	
9. Reduce printing, postage and advertising.	(20,000)
AIR TRANSPORTATION SERVICE	
10. Reduce repairs and maintenance.	(34,145)
HOUSING PROGRAM	
11. Eliminate 3 positions in next year's expansion budget.	(112,070) (3)
RURAL ELECTRIFICATION AUTHORITY	
12. Reduce travel, subsistence and communications	($1,200)
ECONOMIC DEVELOPMENT BOARD	
13. Reduce travel and subsistence	(5,000)
ENERGY DIVISION	
14. Reduce reserve to match federal funds	(6,000)
FILM OFFICE	
15. Reduce advertising	(3,000)
SMALL BUSINESS DEVELOPMENT	
16. Reduce advertising	(6,000)
INDUSTRIAL FINANCE	
17. Reduce travel and subsistence.	(2,719)
TOTAL REDUCTIONS	**($911,174)**
TOTAL POSITION REDUCTION	**(5)**

MCNC (MICROELECTRONICS CENTER OF NORTH CAROLINA)

BUDGET REDUCTIONS

MICROELECTRONICS	
1. Defer purchase of semiconductor process equipment and delete 6 vacant positions.	(970,544) (6)
COMMUNICATIONS	
2. Defer equipment upgrades and delete 3 vacant positions.	(413,496) (3)
SUPERCOMPUTING	
3. Decrease operations.	(136,960)
ADMINISTRATION	
4. Decrease in building repair, maintenance, and administrative services.	(150,000)
TOTAL REDUCTIONS	**($1,671,000)***
	(9)
	State Aid

* Center will not be subject to management flexibility factor.

S.B. 1426 (Conference Report PCCS-4750)(Continued)

NORTH CAROLINA BIOTECHNOLOGY CENTER

	1990-91
BUDGET REDUCTIONS	
TECHNOLOGY TRANSFER	
1. Reduce biotechnology Economic Development loan funds to aid young biotechnology companies in research on feasibility of new products.	(98,916)
UNIVERSITY RESEARCH	
2. Reduce grants to university programs that have the potential for forming basis for new biotechnology products.	(200,000)
EDUCATION/TRAINING	
3. Reduce funds for enhancement of training capabilities of community colleges and universities for biotechnology related jobs.	(64,860)
TOTAL REDUCTIONS	**($363,776)** State Aid

DEPARTMENT OF AGRICULTURE

BUDGET REDUCTIONS	
AGRICULTURE REVIEW	
1. Decrease postage. The Agricultural Review in the past has been published twice a month. As of April 1, 1990, it is published once a month.	(75,000)
2. Decrease printing due to once a month publishing schedule.	(15,000)
SALE OF FARM PRODUCTS	
3. After a close review of the revenue collected from the sale of farm products, it is estimated that an additional $213,000 will be collected over the budgeted amount in 1990-91.	(213,000)
COMPUTER EQUIPMENT	
4. The purchase price of some computer equipment was overbudgeted (expansion item).	(60,000)
DATA PROCESSING SERVICE	
5. In the time it takes to get the PC's ordered and the programs set up, it is estimated that some funds in data processing services can be saved (expansion item).	(20,000)
WNC DEVELOPMENT ASSOCIATION	
6. Reduce grant-in-aid by 5%.	(2,000) State Aid
NC MUSEUM OF LIFE & SCIENCE	
7. Reduce grant-in-aid by 5%.	(5,000) State Aid
TOBACCO MUSEUM	
8. Reduce grant-in-aid by 5%.	(1,250) State Aid

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
MULTI-PURPOSE BUILDING	
9. Reduce operating reserve for a capital project that has been placed on delayed status.	(4,000)
WATERCRAFT CENTER	
10. Reduce operating reserve for a capital project that has been placed on delayed status.	(11,500)
RESEARCH STATIONS	
11. Delay purchase of other motor vehicles vehicles for 1 year. This will delay the purchases of tractors, combines, mowers and sprayers.	(248,600)
FOOD DISTRIBUTION	
12. Delay purchase of replacement motor vehicles for one year.	(76,000)
AQUACULTURE PROGRAM	
13. Eliminate one position and associated fringe benefits, rent of offices and equipment (expansion item).	(66,290) (1)
STATE FARMS	
14. Delay purchase of replacement tractors for one year.	(72,011)
AGRONOMIC SERVICES	
15. Delay purchase of replacement motor vehicles for one year.	(42,672)
STRUCTURAL PEST	
16. Delay purchase of replacement vehicles for one year.	(20,000)
PLANT PROTECTION	
17. Delay purchase of replacement motor vehicles for one year.	(18,500)
HORSE FACILITIES	
18. Raise the rates on the rental of horse stalls at the Western Horse Facility so that they will be comparable to the rates of the Raleigh Horse Facility. These rates are set administratively by the Department.	(43,200)
VETERINARY SERVICES	
19. Begin charging $20 per accession for necropsies (autopsies) performed on companion animals. This fee can be set administratively by the Department.	(85,000)
20. Begin charging $10 per accession for histopathological exams performed on companion animals. This fee can be set administratively by the Department.	(100,000)
MARKETING	
21. Eliminate two vacant positions, reduce contractual services and supplies.	(79,927) (2)
TOTAL REDUCTIONS	**($1,258,950)**
TOTAL POSITION REDUCTIONS	**(3)**

S.B. 1426 (Conference Report PCCS-4750)(Continued)

DEPARTMENT OF LABOR

	1990-91
BUDGET REDUCTIONS	
ELEVATOR INSPECTION	
1. Increase budgeted receipts (not an increase in the fee).	(80,000)
OSHA	
2. Eliminate Technical Trainer II (50% state share) vacant since 5/6/88.	(18,068) (1)
3. Eliminate Industrial Hygiene Consultant Supervisor position (18% state share) vacant since 12/21/84.	(8,157) (1)
4. Eliminate OSHA Education and Training Specialist position (50% state funded) vacant since 3/31/89.	(24,079) (1)
MIGRANT HOUSING INSPECTION	
5. Delay implementation of program until January 1, 1991.	(129,701)
TOTAL REDUCTIONS	**($260,005)**
TOTAL POSITION REDUCTIONS	**(3)**

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

BUDGET REDUCTIONS	
1. Health Aid to Counties	(289,407) * State Aid
HEALTH REGIONAL OFFICES	
2. Abolish two vacant positions.	(50,821) (2)
PARKS AND RECREATION	
3. Abolish 1 position, reduce travel, and equipment.	(143,777) (1)
ZOOLOGICAL PARK	
4. Reduce purchases for resale concession and food shops. Will use receipts for this purpose.	(114,976)
SOIL AND WATER CONSERVATION	
5. Reduce part of 1990-91 agriculture cost share expansion.	(406,095) State Aid
FOREST RESOURCES	
6. Forest Resources Central Office -- Reduce travel, printing, and communication expenses.	(79,006)
7. Forest Resources Field Operations -- Reduce construction and repair, communications, motor vehicle operations, travel, and heavy equipment purchases.	(688,457)
8. Forest Pest Control - Abolish 1 Forestry Tech. Position	(21,495) (1)
DENTAL HEALTH	
9. Convert a public health dentist into two public health dental hygienist positions. This would create this amount of salary reserve.	(7,079)
10. Eliminate a dentist position	(62,009) (1)

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91	
EPIDEMIOLOGY		
11. Injury Control - Reduction in moving expense budget	(1,226)	
12. Occupational Health - Reduce travel and supplies; eliminate two positions.	(107,331) (2)	
13. Reduce vaccinations.	(109,232)	*
14. Communicable Disease Control - Eliminate hospital infection control contract with UNC Medical School	(27,616) State Aid	
15. Tuberculosis Control - Eliminate hospitalization program	(200,689) State Aid	*
16. Environmental Epidemiology - Reduction in basic support line items	(16,990) (6,590)	*
17. Vital Records - Reduce equipment	(22,279)	*
ENVIRONMENTAL HEALTH		
18. Reduction in basic support line items	(12,267)	
19. Pest Control Mgt. - Transfer 1/2 of state appropriated position to the Bedding Program which is receipt supported.	(33,066) (0.5)	
20. Reduce Environmental Health Aid to Counties	(324,667) State Aid	*
21. Reduce Mosquito Aid to Counties	(100,000) State Aid	*
ADULT HEALTH PROMOTION		
22. Reduce rent, training & evaluation	(13,533)	
23. Health Care - Reduce indigent medical care (cancer and migrant programs)	(274,814) State Aid	*
24. Epilepsy - Reduce education contract with Bowman-Gray School of Medicine	(9,439) State Aid	*
25. Reduce Adult Health Promotion and Program funds to counties	(134,927) State Aid	*
26. Reduce Hypertension Program funds to counties	(20,373) State Aid	*
27. Arthritis Program - Reduce funds to counties and other contractors	(6,249) State Aid	*
PUBLIC HEALTH LABORATORY		
28. Reduce supplies, travel and maintenance contracts.	(100,000)	
WATER RESOURCES		
29. Reduce travel, communications, printing data processing, USGS cooperative funds, equipment, sedimentation study and water quality ambient monitoring.	(55,525)	

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91	
COASTAL MANAGEMENT		
30. Reduce supplies, equipment, communications, travel, and printing.	(49,285)	
ENVIRONMENTAL MANAGEMENT		
31. Reduce lab equipment and administrative support.	(19,565)	
32. Reduce contract assistance for ambient air monitoring & inventory.	(125,049)	
33. Eliminate replacement trucks & supplies for groundwater drilling.	(56,522)	
34. Eliminate 4 positions in Water Quality.	(120,335) (4)	
35. Abolish one administrative position.	(28,880) (1)	
36. Pesticide Contamination - Abolish 2 vacant positions and reduce support line items.	(66,637) (2)	
LAND RESOURCES		
37. Reduces cooperative funding with USGS to revise topographic maps.	(27,660)	
38. Reduce grant awards for Land Records Management Program.	(114,532) State Aid	
39. Eliminate truck replacement for geodetic field work.	(31,918)	
40. Reduce support and equipment for Sedimentation, Mining, and Dam Safety.	(40,222)	
41. Reduce administrative support and eliminate one field position	(40,362) (1)	
RADIATION PROTECTION		
42. Reduce travel and equipment.	(35,280)	
MARINE FISHERIES		
43. Fisheries Administration - Reduce travel, communications and temporary labor.	(19,865)	
44. Reduce equipment purchases for law enforcement program.	(73,000)	
45. Reduce funds for artificial reef program.	(34,787)	
46. Reduce various support line items for Marine Fisheries	(103,857)	
DEPARTMENT-WIDE		
47. Reduce travel.	(100,000)	
48. Reduce motor vehicles.	(100,000)	
MATERNAL AND CHILD HEALTH		
49. Eliminate Delivery Funds allocated to local health departments because most women and all teenagers covered under this fund are now Medicaid eligible.	(240,000) State Aid	
50. Reduce support line items	(12,600)	
51. Reduce genetic screening contracts with UNC and Bowman-Gray	(200,000) State Aid	*

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91	
52. Reduce funding for Adolescent Pregnancy Prevention Program	(120,000) State Aid	*

TOTAL REDUCTIONS	**($5,200,291)**
TOTAL POSITION REDUCTIONS	**(15.5)**

EXPANSION

MATERNAL AND CHILD HEALTH

1. Expand Rural Obstetrical Care Incentive program.	$300,000 State Aid
2. Fund 4 teams of certified nurse midwives in critically underserved counties.	400,000 State Aid
3. Fund one-time start-up grants to enable local health departments or community, rural, or migrant health centers to employ additional maternity care workers.	500,000 State Aid
4. Expand genetic health care services through medical genetics centers.	900,000 State Aid
5. Provide a toll-free hotline for pregnant women; conduct an education awareness media campaign on the urgency of providing early, continuous, and good quality prenatal care to all women of child-bearing age.	175,000
6. Fund infant mortality grants in urban and rural counties with high infant mortality rates and large number of infant deaths to conduct community-wide efforts to reduce infant mortality. Includes 1 state position.	42,902 (1) 307,098 State Aid
7. Provide nutritional supplements under the Women, Infants, and Children program.	1,307,233 State Aid

N.C. COALITION ON ADOLESCENT PREGNANCY

8. Grant-in-aid to provide technical assistance in reducing the high incidence of infant mortality resulting from low birthweight babies born to adolescents.	75,000 State Aid

BOWMAN GRAY SCHOOL OF MEDICINE

9. Grant-in-aid to coordinate information and placement concerning open beds for neonatal intensive care services.	60,000 State Aid

MATERNAL AND CHILD HEALTH

10. Fund intensive, statewide public education campaign to heighten public awareness of the danger to the fetus of alcohol and drug abuse during pregnancy.	205,000
11. Fund statewide campaign to educate health care professionals in early identification of women at risk for alcohol and drug abuse during pregnancy and to heighten the awareness of these professionals on the effects of such abuse on a developing fetus.	119,200

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
ENVIRONMENTAL HEALTH	
12. Funding to comply with federal mandates for shellfish inspection.	245,614
	(6)
TOTAL BUDGET EXPANSION	**4,637,047**
TOTAL POSITION INCREASE	(7)
TOTAL NET BUDGET CHANGE	**($563,244)**
TOTAL NET POSITION CHANGE	(8.5)

* Items restored through a credit to management flexibility - $1,829,066

DEPARTMENT OF TRANSPORTATION

BUDGET REDUCTION

RAILROADS *

1. Reduce support to minimum level required by law (1989-90 revenues totaled less than $98,000)	($66,002)

* Will not be subject to Management Flexibility reduction.

AERONAUTICS

1. Reduce support by 3%	(195,497)

DEPARTMENT OF TRANSPORTATION
90-91 BUDGET CHANGES
25 JULY 1990

Addition Requirements	90-91
1. Provide funding to the Office of State Treasurer as non tax revenue to support driver education program based on $3 fee collected by the Division of Motor Vehicles	$17,000,000
2. Provide additional funding to the Department of Correction to support the full cost of the Medium Custody Inmate Program	2,883,856
3. Provide a grant-in-aid to Keep North Carolina Beautiful	25,000
TOTAL ADDITIONAL REQUIREMENTS	**$19,908,856**
Base Budget Reductions	
4. Reduce Special Appropriation for Highways	(65,257,535)
5. Reduce Highway Patrol budget by: 3% reduction ($2,624,709) Reduce salary reserve and related benefits by 1/2 ($411,745) Eliminate nine replacement vehicles ($131,294)	(3,167,748)
6. Reduce Division of Motor Vehicles budget in various items	(319,155)
7. Eliminate 17 vacant positions at Mann's Harbor that were appropriated by the 1989 General Assembly	(373,298)
TOTAL BASE BUDGET REDUCTIONS	**($69,117,736)**

S.B. 1426 (Conference Report PCCS-4750)(Continued)

	1990-91
Expansion Budget	
8. DOT Administration for SIPS usage and postage.	2,775,000
9. Increase Primary system maintenance	10,131,378
Addition Requirements	
10. Additional funds to the Division of Motor Vehicles Increased postage -- $260,000 Bar coding equipment -- $193,000 Emission control program (19 positions) and equipment for new warehouse ($785,816) Commercial Driver Licensing -- ($2,719,552)	3,958,368
11. Reserve for Unforeseen Events Contamination cleanup at asphalt plants -- ($2 million) Increase fire insurance and payroll additives ($145,177)	2,145,177
TOTAL EXPANSION BUDGET	**$19,009,923**
Additional Availability	
12. Powell Bill and Secondary Roads reductions due to lower revenues	5,580,786
13. Capital improvement reversions	481,682
TOTAL ADDITIONAL AVAILABILITY	**$6,062,468**

S.B. 1426 (Conference Report PCCS-4750)
(July 27, 1990--See Page 418)

ITEMS FOR CONFERENCE COMMITTEE
DIFFERENCE ONLY
1990-91

CONFEREE REPORT
ON DIFFERENCES FOR
PROPOSED COMMITTEE SUBSTITUTE FOR SB 1426

JULY 26, 1990

S/Representative David H. Diamont
Chairman
House Appropriations

S/Senator Kenneth C. Royall, Jr.
Chairman
Senate Appropriations

SUMMARY OF DIFFERENCES

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Corporate Income Flip-Flop	1
Equipment Purchases - Non Recurring Revenue	
Transfer of Drive Education	1
Repeal/Reduction of 90-91 Capital Appropriations	1
Freeze on Vacant Positions	1
Overcollections/Negative Reserve	1

S.B. 1426 (Conference Report PCCS-4750)(Continued)

Salary Reserves	1
Salary Increase Reserve	2
Management Flexibility	
a. Community Colleges	2
b. Contingency	2
c. Salary Adjustment	2
d. Remainder	2
Public Education	3
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State Board of Elections	4
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Transportation - Railroads	4
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S.B. 1426 (Conference Report PCCS-4750)
ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES

	House 1990	Senate 1991

ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES ONLY
1990-91

		House 1990	Senate 1991
1.	Redesignate Portion of Corporate Income Tax Earmarked for Public Schools Facility Assistance (to be funded from acceleration of sales and franchise tax payment by utilities).	-	46,500,000 Sec. 14 1 Yr. Only
2.	Use of Acceleration of sales and franchise tax payment by utilities and other windfall funds to fund equipment and other capital outlay needs of operating budget.	~~75,000,000~~	-
3.	Transfer from ~~of Driver Education Program to~~ Highway Fund		17,000,000 ~~28,506,761~~ ~~Sec. 99~~ 1 Yr. Only
4.	Repeal/Reduction of 1990-91 Capital Appropriation for Prison Construction Projects.	-	~~12,267,311*~~ ~~Sec. 80~~

~~*This does not generate additional availability.~~

S.B. 1426 (Conference Report PCCS-4750)

ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES	House 1990	Senate 1991
5. Freeze on Vacant Positions	-	~~($40,000,000)~~
Part of Management Flexibility		Sec. 17
6. Overcollections/Negative Reserve	-	~~(30,200,000)~~
		Sec. 12.1
7. Salary Reserves:		
Agriculture	-	~~(37,233)~~
Governor's Office	-	~~(34,939)~~
Labor	-	~~(14,802)~~
State Budget	-	~~(716)~~
Lt. Governor	-	~~(22,330)~~
Secretary of State	-	~~(61)~~
State Auditor	-	~~(437)~~
State Treasurer	-	~~(17,259)~~
Insurance	-	~~(11,633)~~
Administration	-	~~(87,364)~~
Controller	-	~~(8,397)~~
Revenue	-	~~(212,273)~~
Cultural Resources	-	~~(13,441)~~
Administrative Hearings	-	~~(13,056)~~
Administrative Rules	-	~~(1,058)~~
Human Resources	-	~~(799,403)~~
Part of Management Flexibility		
~~8. Management Flexibility~~		
a. Community Colleges		
(~~H-2.06%~~/S-3.0%)	~~(7,912,918)~~	(11,523,666)*
~~1% Cut Institutions~~	~~(3,724,626)~~	-
~~3% Cut State Dept./2% Vocational Textile~~	~~(343,134)~~	
Subtotal Comm. Colleges	~~(11,980,678)~~	(11,523,666)
b. Contingency and Emergency		
(~~H-2.06%~~/S-3%)	~~(23,175)~~	(33,750)
	Sec. 22	Sec. 12
c. Salary Adjustment Fund		
(~~H-2.06%~~/S-3%)	~~(7,741)~~	(11,273)
d. ~~Remainder of~~ Management Flexibility		
Public Education	~~(50,948,170)~~	(45,842,828)
University	~~(24,766,659)~~	(18,339,709)
Human Resources	~~(23,176,546)~~	(17,163,035)
Transportation - Aeronautics	~~(134,241)~~	-
General Assembly	~~(447,788)~~	(333,847)
Governor's Office	~~(101,462)~~	(76,621)
Lt. Governor	~~(12,658)~~	(10,946)
State Budget Office	~~(76,841)~~	(54,729)
Special Appropriations	~~(22,248)~~	-
Secretary of State	~~(78,122)~~	(60,202)
State Auditor	~~(167,285)~~	(125,877)
State Treasurer	~~(100,975)~~	(76,621)
Insurance	~~(276,690)~~	(202,498)
Administration	~~(1,047,326)~~	(777,153)

*Institutional Funding will not be subject to Flexibility Reduction

S.B. 1426 (Conference Report PCCS-4750) ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES	House 1990	Senate 1991
State Controller	~~(114,191)~~	(87,566)
Revenue	~~(1,169,649)~~	(864,719)
Cultural Resources	~~(829,258)~~	(612,966)
Administrative Hearings	~~(42,771)~~	(32,837)
Judicial	~~(4,022,067)~~	(3,272,798)
Justice	~~(1,060,468)~~	(782,626)
Correction	~~(8,635,480)~~	(6,392,354)
Crime Control	~~(605,653)~~	(448,778)
Agriculture	~~(864,479)~~	(640,330)
Labor	~~(179,867)~~	(131,350)
Env./Health/Natural Resources	~~(3,570,781)~~	(814,349)*
Ec./Comm. Development	~~(609,249)~~	(448,778)
Microelectronics	~~(441,529)~~	-
Biotechnology	~~(170,922)~~	(125,877)
Board of Elections		(5,473)
Administrative Rules Review		(5,473)
Community Colleges - State Dept.		(169,660)
Total		(97,900,000)
* Reflects credit of $1,829,066		
Salary Increase Reserve Reduction		(9,200,000)

DEPARTMENT OF PUBLIC EDUCATION

1.	Career Development Program		
	a. Reduce 16 career development pilot systems to full Senate Bill 2 Funding (7% of payroll).		~~(15,360,483)~~ ~~Sec. 63~~
	b. Phase down over a 3-year period funding for Career Development Program.	(4,693,368) ~~Sec. 84~~	-
2.	Senate Bill 2	~~19,703,746~~ ~~Sec. 83~~	39,436,046
3.	Basic Education Program	(71,510,760) ~~(66,009,419)~~ ~~Sec. 85~~	(71,510,760) ~~(86,012,961)~~ ~~Sec. 64~~

UNIVERSITY OF NORTH CAROLINA

1.	CENTER FOR ALCOHOL STUDIES ENDOWMENT Estimated receipts from increase in Driver's License Restoration Fee for DWI suspensions are funded to the Center for Alcohol Studies Endowment at UNC-Chapel Hill as directed in Section 4, Chapter 786, 1989 Session Laws.	~~$114,186~~	$850,000

S.B. 1426 (Conference Report PCCS-4750) House Senate
ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES 1990 1991

2. RELATED EDUCATION PROGRAMS
Reduce various programs by 3%. ~~($1,385,469)~~* ($1,413,300)
House did not cut nursing programs 3%; reduced Regional Educational programs by more than 3%.

*Takes $50,000 extra reduction in Regional Education programs and reduce nursing 3% cut by $50,000.

STATE BOARD OF ELECTIONS

1. OPERATING EXPENSES
Reduce appropriations of $12,917 for printing and binding to meet 3% budget reduction. - ~~($12,917)~~

DEBT SERVICE

Increase funding for payment of debt service on proposed issuance of two-third bonds in December, 1990.
$73 million issue ~~$2,737,500~~
$75 million issue $2,812,500

STATEWIDE ACCOUNTING SYSTEM RESERVE

Provide funds for a statewide reserve for continued implementation of the SAS including $1.6 million for Outside Services, $.6 million for processing cost and $.8 million for equipment. This is funding for year 1 of a five year plan for complete implementation of the SAS at an estimated total cost of $18 million 2,000,000
~~3,000,000~~

TRANSPORTATION - RAILROADS

Reduce support to minimum level required by law (1989-90 revenues totaled less than $98,000). (66,002)

TRANSPORTATION - AERONAUTICS

Reduce funding by 3% (195,497)

NER REDUCTION PRINCIPLES

~~1. Labor - House - Migrant Housing Inspection Program too important for cuts. Senate Migrant Housing Inspection Program not operational, therefore, cuts had no impact on current operations.~~

S.B. 1426 (Conference Report PCCS-4750)

ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES	House 1990	Senate 1991
~~2. ECD -- Senate -- REDC 3%~~		
~~House -- REDC 5% plus partial amount of Administrative reserve.~~		
~~3. MCNC -- Senate -- 3% cut~~		
~~House -- 5% cut plus $2 million to spare health services cuts.~~		
~~4. EHNR -- Senate -- 3% cut department~~		
~~House -- goal was minimal cuts in service programs especially health.~~		

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

1.	Business/Industry Development -- Reduce Rural Economic Development Center Grant.	($275,000) State Aid	~~($60,000)~~ State Aid
2.	Science & Technology Center -- Eliminate vacant positions.	(53,606) (1)	~~(115,832)~~ (2)
3.	Technological Development Authority -- Reduce research grants.	(150,000) State Aid	~~(200,000)~~ State Aid
4.	Business/Industry Development -- Reduce travel, communications and advertising.	(20,000)	~~(40,000)~~
5.	International Development -- Reduce travel and advertising.	(10,000)	~~(25,000)~~
6.	Travel & Tourism -- Reduce printing, postage and advertising.	(20,000)	~~(45,000)~~
7.	Welcome Centers -- Reduce printing, postage and advertising.	0	~~(15,000)~~
8.	Air Transportation Service -- Reduce repairs and maintenance	(34,145)	~~(38,000)~~
9.	Rural Electrification Authority -- Reduce travel, subsistence and communications.	0	(1,200)
10.	Energy Division -- Reduce reserve to match federal funds.	0	(6,000)
11.	Economic Development Board -- Reduce travel and subsistence.	0	(5,000)
12.	Film Office -- Reduce advertising.	0	(3,000)
13.	Small Business Development -- Reduce advertising.	0	(6,000)
14.	Industrial Finance -- Reduce travel and subsistence.	0	($2,719)

MICROELECTRONICS CENTER OF NORTH CAROLINA

1.	Microelectronics		
	a. Defer purchase of semi-conductor process equipment.	($691,730)	~~($390,946)~~
	b. Delete 5 direct dollar support programs to campuses	~~(623,000)~~	0
	c. Abolish 6 vacant positions	(278,814) (6)	0

S.B. 1426 (Conference Report PCCS-4750)
ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES

		House 1990	Senate 1991
2.	Communications		
	a. Deferral of equipment upgrades.	~~(796,530)~~	254,026 ~~(93,878)~~
	b. Decrease operations and 3 vacant positions.	(159,470) (3)	0
3.	Supercomputing -- decrease operations	~~(372,126)~~ ~~(4)~~	(136,960)
4.	Administration -- decrease building repair and maintenance.	(150,000)	~~(21,219)~~

CENTER IS NOT TO BE SUBJECT TO FLEXIBILITY REDUCTION

NORTH CAROLINA BIOTECHNOLOGY CENTER

1.	Technology Transfer -- reduce biotechnology Economic Development loan funds to aid young biotechnology companies in research on feasibility of new products (expansion).	~~($150,000)~~	($98,916)
2.	University Research -- reduce grants to university programs that have the potential for forming basis for new biotechnology products (expansion).	($200,000)	~~($150,000)~~
3.	Education/Training -- reduce funds for enhancement of training capabilities of community colleges and universities for biotechnology related jobs.	(64,860)	0

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

1.	Health Aid to Counties -- Reduce general health aid to counties	0	(289,407)* State Aid
2.	Parks and Recreation -- Abolish 1 ~~2~~ positions and reduce ~~temporary~~ labor, travel, and equipment.	~~(72,710)~~	143,777 ~~(243,652)~~ ~~(2)~~(1)
3.	Soil and Water Conservation -- Reduce part of 1990-91 agriculture cost share expansion.	~~($500,000)~~ State Aid	($406,095) State Aid
4.	Forest Resources		
	a. Central Office - Reduce travel, printing and communication	~~(71,672)~~	(79,006)
	b. Field Operations - Reduce construction and repair, communications, motor vehicle operations, travel and heavy equipment purchases.	~~(614,146)~~	(688,457)
	c. Forest Pest Control - Abolish 1 forestry tech position.	0	(21,495) (1)
5.	Dental Health		
	a. Eliminate 1 additional dentist.	0	(62,009)

S.B. 1426 (Conference Report PCCS-4750) ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES	House 1990	Senate 1991
6. Epidemiology		
a. Occupational Health - Reduce travel and supplies. Eliminate 2 positions in Senate.	~~(12,090)~~	(107,331) (2)
Reduce vaccinations	0	(109,232)*
b. TB Control - Eliminate hospitalization program.	~~(60,000)~~ State Aid	(200,689)* State Aid
c. Environmental Epidemiology - Reduce support line items.	~~(16,990)~~	(23,580) 16,990 *
d. Vital Records - Reduce equipment.	0	(22,279)*
7. Environmental Health		
a. Reduce support line items.	~~(6,179)~~	(12,267)
b. Pest Control Management - transfer 1/2 position to receipt support in Bedding Control	~~(31,262)~~ (0.5)	(33,066) (0.5)
c. Reduce Environmental Health Aid to Counties.	0	(324,667)* State Aid
d. Reduce Mosquito Aid to Counties	0	(100,000)* State Aid
8. Adult Health		
a. Health Promotion - Reduce rent, training and evaluation.	~~($13,476)~~	($13,533)
b. Health Care - Reduce indigent medical care (cancer and migrant programs).	0	(274,814)* State Aid
c. Epilepsy - Reduce education contract with Bowman-Gray School of Medicine.	0	(9,439)* State Aid
d. Reduce Adult Health Promotion & Program funds to counties.	0	(134,927)* State Aid
e. Reduce Hypertension Program funds to counties	0	($20,373)* State Aid
f. Arthritis Program - Reduce funds to counties and other contractors.	0	(6,249)* State Aid
9. Public Health Laboratory -- Reduce supplies, travel and maintenance contracts.	~~(62,500)~~	(100,000)
10. Water Resources -- Reduce travel, communications, printing, data processing, USGS cooperative funds, equipment, sedimentation study and water quality ambient monitoring.	~~(33,525)~~	(55,525)
11. Coastal Management -- Reduce supplies, communications, printing and equipment. Travel in Senate.	~~(29,285)~~	(49,285)
12. Environmental Management		
a. Reduce lab equipment and administrative support.	~~(20,639)~~	(19,565)
b. Ambient Air - Reduce contracts for monitoring and inventory.	~~(60,449)~~	(125,049)

S.B. 1426 (Conference Report PCCS-4750)
ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES

		House 1990	Senate 1991
c.	Groundwater - Reduce replacement trucks and supplies.	~~(46,300)~~	(56,522)
d.	Water Quality - Eliminate positions. (Senate positions should be 4).	~~(65,000)~~ (2)	(120,335) (2)
e.	Administrative - Abolish 1 position.	0	(28,880) (1)
f.	Pesticide Contamination - Abolish 2 vacant positions and support line items.	0	(66,637) (2)
13.	Land Resources		
a.	Land Records Management - Reduce grant awards.	~~(29,500)~~ State Aid	($114,532) State Aid
b.	Geodetic Survey - Eliminate truck replacement.	~~(22,000)~~	(31,918)
c.	Sedimentation, Mining and Dam Safety - Reduce support line items and equipment.	~~(10,534)~~	(40,222)
d.	Reduce administrative support and eliminate one field position.	0	(40,362) (1)
14.	Radiation Protection -- Reduce travel and equipment.	~~(15,280)~~	(35,280)
15.	Marine Fisheries		
a.	Fisheries Administration - Reduce travel, communication and temporary labor.	~~(30,537)~~	(19,865)
b.	Fisheries Law Enforcement - Reduce equipment.	~~(54,000)~~	(73,000)
c.	Artificial reefs.	~~(54,000)~~	(34,787)
d.	Marine Fisheries - Reduce various support line items.	0	(103,857)
16.	Maternal and Child Health		
a.	Reduce support line items.	0	(12,600)
b.	Reduce genetic screening contracts with UNC and Bowman-Gray.	0	($200,000)* State Aid
c.	Reduce funding to Sickle Cell Centers.	0	~~(100,000)~~ State Aid
d.	Reduce funding for adolescent Pregnancy Prevention Program.	0	(120,000)* State Aid
17.	Department-wide - Reduce travel	(100,000)	0
18.	Department-wide - Reduce motor vehicles	(100,000)	0
19.	Maternal and Child Health		
a.	Provide nutritional supplements under the Women, Infants, and Children program.	$1,307,233 State Aid	~~$995,670~~ State Aid
b.	Expand Genetic Health Care Services through medical genetics centers.	~~850,000~~ State Aid ~~50,000~~ (1)	900,000 State Aid

S.B. 1426 (Conference Report PCCS-4750) ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES	House 1990	Senate 1991
20. Environmental health		
a. Funding to comply with federal mandates for shellfish inspection.	245,614 (6)	0

* These reductions are being restored as a credit to the departments Management Flexibility Allocation.

DEPARTMENT OF LABOR

1. Migrant Housing Inspection -- reduce program. Program eff. Jan. 1, 1991		(129,701) ~~($261,942)~~ (7)
2. Elevator Inspection -- increase budgeted (not an increase in the fee).	(80,000)	0
3. OSHA -- eliminate 3 positions in next expansion budget.	~~(114,534)~~ (3)	0
4. OSHA -- eliminate Technical Trainer II (50% state share) vacant since 5/6/88	(18,068) (1)	0
5. OSHA -- eliminate Industrial Hygiene Supervisor position (18% share) vacant since 12/21/84.	(8,157) (1)	0
6. OSHA -- eliminate OSHA Education and Specialist position (50% funded) vacant since 3/31/89.	(24,079) (1)	0
7. OSHA -- eliminate a Staff Industrial Hygienist position (50% state funded) since 10/31/88.	~~(21,614)~~ (1)	0

DEPARTMENT OF JUSTICE

RECEIPTS

Budget programmed increases in receipts in the Law Enforcement Liaison Unit per authority of G.S. 114-8.2.	~~($43,500)~~	($29,000)
Budget fees authorized per G.S. 114-8.2 that are charged to Boards and Commissions which utilize legal services from the Department of Justice.	(18,000)	~~(12,000)~~
SUBTOTAL RECEIPTS	~~($61,500)~~	~~($41,000)~~

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

HIGHWAY FUND

HIGHWAY PATROL		
1. Delete three (3) data processing positions.	(135,013) (3)	0

S.B. 1426 (Conference Report PCCS-4750) ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES	House 1990	Senate 1991
2. Adjust the clothing allowance ($500) for troopers assigned to the Governor's Security to agree with the rate of payment to SBI agents ($400 per year).	(1,700)	0
GENERAL FUND		
1. Maintain expansion of the Community Penalties Programs.	-	~~$143,346~~
2. CIVIL AIR PATROL Eliminate the vacant Administrative Officer position (Pos. #4930-0000-0000-390), and make additional adjustments in accordance with audit recommendations.	~~(40,000)~~ (1)	0
3. EMERGENCY MANAGEMENT Delete an Emergency Management Officer position.	(53,087)[1] (1)	~~(33,087)~~[1] (1)
4. VICTIM & JUSTICE SERVICES Reduce the expansion of Community Penalties Program.	(184,287)	~~(220,000)~~
Delete two of three vacant positions - Criminal Justice Planner II, #4970-0000-0001-216,		~~(39,475)~~ (1)
and a File Clerk III (25%), #4970-0000-0001-256.		~~(6,892)~~ (1)
5. Eliminate two of three vacant positions - Criminal Justice Planner II, Pos. #4970-0000-0001-216 ($32,148); and Criminal Justice Planner II, Pos. #4970-0000-0001-217 ($41,436)	(95,713) (2)	
6. The following funds will be cut in the areas of travel, printing, cleaning supplies, motor vehicle operations, communications, other equipment, or utilities:		
National Guard	0	(10,000)
Civil Air Patrol	0	(4,086)
Butner Public Safety	~~(25,000)~~	(26,000)
Emergency Management	-	~~(20,000)~~*
Governor's Crime Commission	0	~~(26,633)~~
Crime Prevention	(25,000)	~~(30,000)~~

* The House combined personnel and administrative expenses. The total amount of funding reduced is the same for Senate and House.

DEPARTMENT OF CORRECTION

Departmental Management		
Division of Prisons - Custody and Security Delete positions for expanded mental health services.	~~($196,048)~~ (13)	-

S.B. 1426 (Conference Report PCCS-4750) ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES	House 1990	Senate 1991
Division of Adult Probation and Parole - Parole/Probation Field Services		
Reduce funds for the following items for operating expenses in Fund 1430:		
Travel	-	(100,000)
Office Equipment	-	(40,000)
RECEIPTS		
Increase receipts for meals purchased from the Department of Correction. Charge per meal is to increase from $1.25 to $2.00 prior to tax being added. ~~HouseL Increase to $1.75 per meal.~~	~~($398,181)~~	($519,017)
Increase receipts for per diem charge to inmates on Work Release from $8.00/day to $12.50/day. ~~House: Increase to $10.00 per day.~~	~~(834,600)~~	(1,877,850)
Provide additional funds to comply with Order of Court *(Smith vs. Bounds)*. Law libraries were abolished in FY 89-90 and replaced by legal representation furnished by North Carolina Prisoners Legal Services, Inc.	-	289,705
Provide funds for additional Parole Case Analysts (S-5/H-3) and three stenos to reduce case workload.	195,687 (6)	~~273,927~~ ~~(8)~~
Fund additional positions for the Combined Records section to keep offender records up-to-date.	62,976 (2)	-
JUDICIAL DEPARTMENT		
Reduce Service and Maintenance contracts for equipment (telephones, copiers, typewriters).	(300,000)	~~(200,000)~~
Reduce Temporary Salaries line item.	(877,796)	~~(1,174,940)~~
Reduce Equipment (data processing, copiers, typewriters).	(1,195,660) (750,000)	~~(1,000,000)E~~
Reduce Supplies and Materials line item.	(325,000)	~~(225,000)~~
Reduce Telephone Services	(35,581)	~~(13,437)~~
Reduce Travel line items:		
Reduce Travel - District Court and District Attorneys	(50,000)	~~(70,000)~~
Suspend rotation in Superior Court for 3 months of each 6-month term	(125,000)	
Reduce line item for Contractual Emergency Judges. (Reduction of 1667 to 306 days)	(104,960)	~~(204,960)~~

S.B. 1426 (Conference Report PCCS-4750) ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES	House 1990	Senate 1991
Reduce Contractual Court Reporters	(100,700)	~~(150,700)~~
Reduce Contractual Assistant District Attorneys and Assistant Public Defenders.	(25,477)	~~(75,477)~~
Reduce Indigent Persons' Attorney Fee Fund	-	~~(517,937)~~
Delete fifty-three new positions.		~~(1,424,367)~~
Delay new positions, except judges, to April 1, 1991	(1,291,644)	
Provide funds for a reserve for retrial of sentencing of capital cases (House allows utilization of funds available to the Department for this purpose).	- ~~Sec. 110~~	500,000
Utilize up to $759,292 of funds appropriated to the Indigent Persons' Attorney fee Fund for salaries, benefits and related expenses for the Office of Public Defender to be established in Defender District 14 effective July 1, 1990.	Sec. 114	~~No Provision~~
Utilize funds available to the Department to support the existing Rape Victim Witness Counselor Program for Brunswick/Bladen and Columbus counties or the Custody Mediation Program in Buncombe County. Cost $25,000	Sec. 116	~~No Provision~~

DEPARTMENT OF HUMAN RESOURCES
COMPARISON OF SENATE/HOUSE REPORT

DIVISION OF SOCIAL SERVICES		
1H. Reduce the State Abortion Fund from $424,000 to $100,000 and allow these funds to be used only in those pregnancies that are the result of rape or incest; or where the woman is mentally retarded; or where, in the opinion of two doctors the mother's life is endangered or her health (exclusive of mental or psychological health) is gravely impaired by the pregnancy.	~~($324,000)~~	0
4H. Reduce appropriations in the Child Foster Care Payment Program by increasing receipts from Child Support collections.	(50,000)	0
6. Reduce funding for the optional AFDC Emergency Assistance Program by 25%.	0	~~(348,997)NR~~
8. Aid to Families With Dependent Children Program. Funds to support the cost of reductions in federal participation rates, lower than anticipated offsets from child support collections and rising AFDC caseloads.	7,105,446	~~Sec. 39~~

S.B. 1426 (Conference Report PCCS-4750)
ITEMS FOR CONFERENCE COMMITTEE DIFFERENCES

		House 1990	Senate 1991
9.	JOB's Opportunities and Basic Skills Training Program. Funds to support state and county implementation of the JOBS program. Forty counties will implement October 1, 1990. A total of 55 counties will have programs by June 1991. Worker Training Trust funds will support $2,000,000 in expansion requirements for JOBs in FY 90-91.	1,008,240 918,957NR (6)	~~Sec. 39~~
10.	Foster Care Program. Funds to support increased costs for foster care due to rising number of children needing placement.	2,422,860	~~Sec. 39~~
11.	State/County Special Assistance Program. Funds to support the cost of rising caseloads of persons in domiciliary care homes.	219,393	~~Sec. 39~~
12.	Child Support Enforcement. Funding to offset a reduction in the level of federal financial participation and to offset underrealized receipts in Incentive payments to the state.	114,776	~~Sec. 39~~
13.	Domiciliary Care Home Rate Increase: funds to raise rates for domiciliary care homes by 3% effective January 1, 1991. Social Services: $1,319,394 Services for Blind: 9,450	$1,328,844	

DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

8.	Funds to implement Early Intervention Services for handicapped infants and toddlers and their families (PL 99-457, Part H).	4,428,574 ~~6,300,000~~ State Aid	~~2,557,149~~ State Aid
10.	Operational funds for the Alzheimer's Unit at Black Mountain Center.	735,814	

OFFICE OF THE SECRETARY

1.	Eliminate funds appropriated for the Cued Speech Center, Inc. of Wake County.	0	~~($50,000)~~

S.B. 1427 (Conference Report PCCS-2745)
(July 28, 1990--See Page 449)

CAPITAL IMPROVEMENTS BILL

CONFEREE REPORT
ON DIFFERENCES FOR
PROPOSED COMMITTEE SUBSTITUTE FOR SB 1427
JULY 28, 1990

S/Senator Kenneth C. Royall, Jr.
Chairman
Senate Appropriations

S/Representative David H. Diamont
Chairman
House Appropriations

PROJECTS DELAYED BY GOVERNOR/RESTORED

	SENATE	HOUSE
DEPARTMENT OF ADMINISTRATION		
Indian Cultural Center	$150,000 (Impact Study/Grant and construction)	~~$100,000~~ ~~(Impact Study, Grant)~~
BOARD OF GOVERNORS		
NC State - Centennial Center	1,000,000	-0-
ECU - Center for Regional Advancement	500,000	-0-
UNC-Chapel Hill		
School of Business	5,000,000	~~2,500,000~~
Social Work Building	~~1,500,000~~	2,500,000
UNC-Asheville Conference Center	~~1,000,000~~	2,000,000
Appalachian State University - Student Activities Center	~~1,000,000~~	2,000,000
Board of Governors - Land Aquisition	~~1,000,000~~	1,500,000
DEPARTMENT OF COMMUNITY COLLEGES		
Restore 1988-89 Projects		
Fayetteville Technical Community College - Center for Applied Technology - Equipment	~~-0-~~	899,952
Johnston Community College - Renovate Library	~~-0-~~	90,000
Pitt Community College - Vocational Building	~~-0-~~	28,577
Roanoke-Chowan Community College - Technology/Small Business Center	~~-0-~~	368,645
Rockingham Community College - Lab/Classroom Building	~~-0-~~	407,826
Wake Technical Community College - Health Education Building	~~-0-~~	1,110,000
		2,905,000
Vance-Granville-Franklin County Satellite - Repairs/Renovations		133,592

S.B. 1427 (Conference Report PCCS-2745)	SENATE	HOUSE
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES		
State Park System - Repairs and Renovations Improvements	~~-0-~~	1,000,000
N.C. SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AGENCY		
Solid Waste Revolving Fund	~~500,000~~	900,000 ~~1,000,000~~
OFFICE OF STATE BUDGET AND MANAGEMENT		
Clean Water and Sewer Program	10,500,000	~~8,500,000~~
NEW CAPITAL PROJECTS		
DEPARTMENT OF ADMINISTRATION		
SIPS Renovation of Electrical System	$ -0-	~~$1,500,000~~
BOARD OF GOVERNORS - UNC		
UNC-Chapel Hill - Living and Learning Center for Autistic Adults	1,078,000	~~-0-~~
N.C. State University - Agricultural Programs - Castle Hayne Horticultural Research Station - Greenhouse and Support Facilities	275,000	~~-0-~~
DEPARTMENT OF CULTURAL RESOURCES		
Museum of the Albemarle - Continued Planning	75,000	~~-0-~~
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT		
I-95 Welcome Center Expansion	-0-	~~300,000~~
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**		
Coastal Reserve - Buxton Woods	125,000	~~-0-~~
Reserve for Water Resources	~~800,000**~~	~~1,400,000~~ 2,100,000
DEPARTMENT OF JUSTICE		
Justice Academy Classroom Building	-0-	2,000,000
SBI Complex	**	
OFFICE OF STATE BUDGET AND MANAGEMENT		
Clean Water Program	~~5,600,000~~	6,150,000 ~~7,550,000~~ ~~(Senate has $50,000 more than House)~~
Reserve for Repairs and Renovations	~~5,543,822~~	5,543,872
Public School Construction Funds:		
ADM Fund Allocations	36,500,000	~~-0-~~
Critical Needs Allocations	10,000,000	~~-0-~~

** Contingent Appropriations

~~1. Water Resources Development Projects~~

~~a. Carolina Beach Renourishment 800,000~~

~~b. Colington Bay Navigation 200,000~~

S.B. 1427 (Conference Report PCCS-2745)	SENATE	HOUSE
2. SBI Complex	18,508,000	
3. N.C. Zoological Park - Complete North America Phase	4,953,000	
OTHER ITEMS		
STATE CONTROLLER'S OFFICE -		
Statewide Accounting System	~~$2,000,000(CI)~~	in operating bill - S1426 ~~$3,000,000 (OP)~~
DEPARTMENT OF STATE AUDITOR		
Reduce state contributions to pension funds based upon the latest actuarial report		
a. Firemen's Pension Fund	-	(95,859)
b. Rescue Squad Worker's Pension Fund	-	(41,302)
DEPARTMENT OF COMMUNITY COLLEGES		
Equipment and Book Purchases	6,000,000	~~7,000,000~~
DEPARTMENT OF AGRICULTURE		
Grant-in-Aid to the N.C. Strawberry Association, Inc. for strawberry marketing and research	25,000	~~-0-~~
Farmer's Market - Raleigh - Provide additional staff and support to new Raleigh Farmers Market due to larger facility opening 1/1/91.	~~-0-~~	200,000
BOARD OF GOVERNORS - UNIVERSITY OF N.C.		
N.C. State University - Research Triangle World Trade Center	50,000	~~-0-~~
DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES		
United Cerebral Palsy Group Homes and Developmental Centers	200,000	~~100,000~~
Rural Water - Grant-in-Aid for operating expenses of the N.C. Rural Water Assoc., Inc.	~~-0-~~	50,000
Children's Special Health Services - Increased funding for inpatient services for elegible children	~~-0-~~	900,000
Shellfish Sanitation Lab Facility - Funds to carry out mandates of the National Shellfish Sanitation Program and the U.S. Food and Drug Administration. Funds will provide for additional personnel and equipment and for replacement of 20-year old lab in Wilmington.	~~$530,146~~ Balance in S 1426	$284,532 ~~(House has balance of these funds in operating budget)~~

S.B. 1427 (Conference Report PCCS-2745)	SENATE	HOUSE
Division of Maternal and Child Health Funds for contract funding of local sickle cell anemia centers.	100,000 in S 1426	~~(House did not make this cut in operating budget)~~
OFFICE OF STATE BUDGET AND MANAGEMENT		
North Carolina Performing Arts Center - Charlotte	$2,100,000	~~$ -0-~~
Grant-in-Aid - Autistic Foundation of N.C. for development of camp and conference center	300,000	~~-0-~~
Water and Sewer Development - Caswell County	500,000	-0-
Economic Development - Hyde County	100,000	-0-
North Carolina Poverty Project, Inc. - Grant-in-Aid	55,000	~~-0-~~
Rural Economic Development Center, Inc. - Grants to Community Development Corporations under Chapter 55A of the General Statutes	~~325,000~~	650,000
The Pack Place Education, Arts and Service Center (Asheville)	125,000	~~-0-~~
DEPARTMENT OF SECRETARY OF STATE		
Funds to implement the new N.C. Business Corporation Act which will become effective ~~July 1, 1990~~ January 1, 1991. Costs are to be borne by increasing the fee for filing an annual report from $5 to ~~$15~~$10. ~~Appropriation is contingent upon passage of Senate Bill 1575~~	386,160 ~~772,320~~	~~House Provision delays effective date of this act~~
DEPARTMENT OF PUBLIC EDUCATION		
Appropriates funds to purchase 100 additional school buses ($30,000 per bus).	~~$ -0-~~	$3,000,000
Appropriates funds for exceptional children. This will help to offset the increased number of exceptional children in the June 1990 headcount.	-0-	2,000,000
NOTE: Domiciliary Care Rate Increase	~~In Senate Capital Bill~~	In S 1426 ~~In House Operating Bill~~
Alzheimer's Unit-Black Mountain Debt Service Increase		
DEPARTMENT OF CULTURAL RESOURCES		
Grassroots Arts Program		$550,000

S.B. 1632
(July 28, 1990--See Page 450)

GENERAL FUND CURRENT OPERATIONS BUDGET OUTLOOK - JULY 27, 1990

	($ Million)			
	91-92	92-93	93-94	94-95
Revenues				
Regular*	$7,859.0	$8,449.4	$9,087.9	$9,766.7
Highway Trust Fund Transfer	170.0	170.0	170.0	170.0
Total Revenues	$8,029.0	$8,619.4	$9,257.9	$9,936.7
Continuation Budget:				
Regular**	$7,313.6	$7,341.6	$7,369.5	$7,397.7
Local Tax Reimbursement	239.6	241.0	244.0	247.0
Local Tax Sharing	258.5	275.3	293.2	312.3
Subtotal-Current Continuation	$7,811.7	$7,857.9	$7,906.7	$7,957.0
Medicaid Mandates	$69.2	$163.7	$265.5	$385.5
Corrections Mandates***	46.6	99.1	140.6	142.3
Other Federal Mandates	30.0	40.0	50.0	52.5
FTE University, Community Colleges	25.0	50.0	75.0	100.0
Health Insurance	40.0	60.0	100.0	120.0
Subtotal-Additional Continuation	$210.8	$412.8	$631.1	$800.3
Total Continuation	$8,022.5	$8,270.6	$8,537.8	$8,757.2
Availability for Expansion	$6.5	$348.8	$720.1	$1,179.5
Expansion Items:				
Basic Education Plan	$80.0	$160.0	$240.0	$325.0
SB 2	72.0	96.0	196.0	196.0
Compensation****	339.2	698.5	1,079.4	1,483.2
Total Expansion	$491.2	$954.5	$1,515.4	$2,004.2
Remaining Balance	($484.7)	($605.7)	($795.3)	($824.7)

* Includes accounting change for local tax sharing funds and miscellaneous 1990 session revenue adjustments.
** Includes annual inflation adjustments.
*** Includes operating portion of Consent Decree plus debt service on bonds authorized by 1990 session.
**** Assumes 6% increase per year based on 1989-91 biennium experience.

BILLS AND RESOLUTIONS REMAINING IN THE SENATE TO BE TRANSFERRED TO ARCHIVES AND HISTORY 1989 SESSION

The following bills and resolutions remained in the Senate upon adjournment *sine die* and shall be transferred to the Division of Archives and History of the Department of Cultural Resources upon adjournment *sine die* of the 1991 General Assembly in accordance with G.S. 120-37(f).

Bill No.	Short Title	Identical Bill/Note
ALCOHOLIC BEVERAGE CONTROL		
SB 793	ABC Punishment for 19/20-Year Olds	
SB 1356	Medium City ABC Elections	
HB 1139	Local Zoning of ABC Permittees	
AGRICULTURE		
SB 153	Farmers Market Name Change	(H 207/Ch. 33)
SB 273	Farm Use-Value Rollback Change	
APPROPRIATIONS		
SB 7	Divide District Court 6	
SB 8	Add District Court 9	
SB 9	CC Community College Funds	
SB 11	Piedmont Triad Market Funds	(H 7)
SB 14	Governor's Outside Counsel Fund	(H 9)
SB 18	Women's Prison Construction Funds	(H 17)
SB 20	Corrections Funds	(H 19)
SB 24	Family Support Network Funds	(H 25)
SB 30	Governor's School Funds	(H 29)
SB 31	Academically Gifted Funds	(H 27)
SB 32	Willie M. Funds	(H 24)
SB 33	Blind Programs Funds	(H 31)
SB 34	Development Evaluation Funds	(H 30)
SB 35	Community Residential Funds	(H 28)
SB 41	Respite Care Funds	(H 26)
SB 53	Sickle Cell Anemia LRC Study	
SB 55	Land Mapping Funds	
SB 57	Youth Suicide Prevention Act	
SJR 59	State Personnel Systems Study	(H 140)
SB 60	State W.I.S.E. Program Funds	(H 139)
SB 65	Rainy Day Funds	
SB 69	Carteret Comm. College Funds	
SB 72	Myrover-Reese Mental Health Funds	
SB 73	Antiretroviral Drugs Funds	(H 177)
SJR 74	Study the Impact of AIDS on Public Health	
SB 81	Nursing /Rest Homes Complaints Funds	
SB 85	Charlotte Hawkins Brown Funds	
SB 87	Social Services Programs	(H 142)
SB 91	Open Parole Process to Victims	
SJR 96	Study Ports Authority & International Trade	(H 133)
SB 97	Ports Authority Funds	(H 135)
SB 101	Primary Costs Reimbursement Funds	
SB 102	Funds to Implement Merit Pay	(H 72)
SB 105	On-Site Sewage Program Funds	(H 159)
SB 110	Solid Waste Branch Staff Funds	

Bills Remaining in Committee (Continued)
APPROPRIATIONS (Continued)

SJR	112	LRC Committee on Solid Waste Mgmt.	
SB	121	Marine Research Funds	
SB	123	Family Study Commission	(H 374)
SB	124	Caregiver Training Funds	(H 375)
SB	126	Fire Marshals' Death Benefits	
SB	128	Justice Academy Funds	(H 148)
SB	150	Adult Protective Services	
SB	158	Funds for State Cancer Registry	
SB	159	Child Support Service Pilot	
SB	160	Ag. Cost Share Expansion	
SB	163	School Employee Salary Schedule	(H 216)
SB	164	Transportation Appropriation	
SB	166	W. Carolina Cottage Funds	(H 232)
SB	167	W. Carolina Center Cooling Funds	(H 231)
SB	168	W. Carolina Center Roof Funds	(H 244)
SB	169	W. Carolina Center Shop Funds	(H 230)
SB	171	New Hanover Museum Funds	(H 265)
SB	172	Domestic Violence Shelter Funds	(H 266)
SB	178	State Land Inventory Funds	(H 293)
SB	181	State Facility Evaluation Funds	(H 292)
SB	185	State Construction Process Study	(H 284)
SB	188	Cherry Hosp./Mental Health Funds	(H 212)
SB	189	Veterans Cemeteries Funds	(H 420)
SB	190	Senior Games Funds	
SB	195	State Employee Pay Raise Funds	(H 248)
SB	198	Schiele Museum Funds	(H 299)
SB	202	Local Government Finance Study	(H 296/Ch. 1078)
SB	222	Mental Health Study Comm. Cont'd	
SB	225	Medicaid/Infants, Pregnant Women	(H 393)
SB	227	Park Ranger Training Center Funds	(H 435)
SB	228	Funds for Lifeguards at Parks	(H 442)
SB	229	Park Improvement Plan	(H 431)
SB	230	Funds for Parks Maintenance Staff	(H 432)
SB	232	Funds for Falls and Jordan Lakes	(H 440)
SB	233	Funds for Park Brochures	(H 437)
SB	234	Adopt-a-Trail Program Funds	(H 439)
SB	235	Parks Roads Under DOT	(H 434)
SB	236	Funds for Additional Parks Staff	(H 443)
SB	237	Funds For Parks Land Surveying Team	(H 438)
SB	238	State Trails Program Funds	(H 433)
SB	239	Fees at State Parks	(H 316/Ch. 594)
SB	243	Nursing Scholars Program	(H 320/Ch. 560)
SB	246	Nursing Shortage Alleviation Act	
SB	247	Davidson CC Expansion/Funds	
SB	248	Davidson CC Satellite Bldg./Funds	
SB	252	A & T Equity Study/Funds	
SB	253	Rowan County Elevator Funds	
SB	255	Certain Uresa Law Changes/Funds	
SB	256	Child Mental Health Funds	
SB	261	State Employee Heart Transplants	
SB	266	Severe Mental Illness Funds	
SB	268	Rowan-Cabarrus C.C. Funds	
SB	269	Area Funding Equalization	(H 364)
SB	270	Worker Training Trust Fund	
SB	271	Worker Training Study	
SB	272	Lenoir Community College Funds	
SB	274	Pesticide Application Notice	

Bills Remaining in Committee (Continued)
APPROPRIATIONS (Continued)

SB	276	Medicaid/Children	(H 423)
SB	279	Business Corp. Act Funds	
SB	283	HIV Child Foster Funds	
SB	286	Medicaid Income Lts./Elderly,Disabled	(H 383)
SB	287	Medicaid Resources Limits	(H 428)
SB	288	Aids Prevention/Education Program	(H 361)
SB	289	Thomas Wolfe Memorial Funds	(H 376)
SB	291	Housing Division in Commerce	(H 381/Ch. 751)
SB	292	Seafood Funds	(H 391)
SB	293	Hurricane Evacuation Funds	
SB	294	Jt. Legis. Seafood Comms. Authorized	
SB	297	Tourism Study Continued	(H 379)
SB	298	Preservation of Governors' Homes	(H 377)
SB	299	Travel & Tourism Commission	(H 378)
SB	301	NC Future Strategies Commn.	
SB	312	Orange Cnty. Outreach Pilot/Funds	
SB	313	Pioneer Implementation	
SB	315	Aquaculture Dev't. Act	
SB	316	Eastern NC Tourism Funds	(H 468)
SB	320	Edgecombe Community College	
SB	321	Student Activity/Deaf School Funds	
SB	322	Vestal Hall Funds	
SB	323	Preschool Deaf Funds	
SB	325	Medicaid/AFDC Eligibility Standards	(H 384)
SB	326	Social Services Study Commission	(H 400)
SB	327	Child Protective Services Funds	(H 401)
SB	328	Adult Protective Services Funds	
SB	341	Lukens Island Funds	
SB	344	Comprehensive Health Education	
SB	350	Asst. D.A./15a District/Funds	
SB	352	National Guard Tuition Assistance	
SB	355	Firemen/Rescue Pension Increase	
SB	361	Geography Based Curriculum Funds	(H 497)
SB	362	United Cerebral Palsy Funds	
SB	363	Old Town Beaufort Funds	
SB	364	Harborside Bldg. Purchase Funds	(H 483)
SB	365	NC Maritime Museum Funds	(H 484)
SB	366	Salary Schedule For Teachers	(H 493)
SJR	367	Protect Groundwater Resources of NC	(H 554)
SB	369	Business Lic. Office/Computer Funds	
SB	373	Schiele Museum Funds-2	(H 471)
SB	376	Grassroots Science Program Funds	
SB	377	Credit Card Changes	
SB	388	Grading Administration Funds	
SB	389	CBA Funds	
SB	390	Additional LRO Funds	
SB	393	Migrant Health Care Funds	
SB	400	Auditor's Office Funds	(H 661)
SB	406	Salisbury Railroad Funds	
SB	408	Poverty Project Funds	
SB	418	Haz. Substances Removal Funds	
SB	419	Risk Reduction Programs Funds	
SB	420	Youth Advocacy/Involvement Funds	
SB	421	Temporary School Superintendents	
SB	426	Child Support/Medical Support	
SB	433	State Museum Planning Funds	
SB	435	Public Health Study Commission	

Bills Remaining in Committee (Continued)
APPROPRIATIONS (Continued)

SB	441	Johnston Water Funds	
SB	445	Firemen/Rescue/Law Death Benefit Increase	
SB	449	Main Street Fund	
SB	451	Small Business Council Act	
SB	452	Add Superior Ct. Judge Dist. 13	
SB	457	Funds For Crime Victims Fund	(H 629)
SB	461	Sampson Comm. College Funds	(H 675)
SB	462	Rape Crisis/Sexual Assault Funds	(H 664)
SB	472	Gaston EMT Center/Funds	(H 740)
SB	487	Wildlife Committee Expenses	(H 716)
SB	491	Funds/Graduate Architecture Study	
SB	506	Prekindergarten Pilot Program	
SB	515	Retooling For Year 2000	(H 731)
SB	518	One-On-One Programs/Funds	(H 729)
SB	520	Securities Enforcement	(H 719)
SB	535	Simplify Apa Rule Making Process	
SB	536	Dept. of Agriculture Funds	
SB	542	Haz. Waste Mgt. Funds	
SB	550	Sales Tax/Education/Salaries	(H 753)
SB	558	Rape Crisis Funds	
SB	571	State Park Land Acquisition Funds	
SB	586	New Hanover Museum Funds	
SB	591	Andrews Depot Funds	
SB	592	Swain Co. Library Funds	
SB	617	Gates High School Water Funds	
SB	618	Child-Caring Funds	
SB	624	Business Energy Improvement Program	(H 728)
SB	630	Agricultural Fairs Council	(H 575)
SB	635	Funds/Teacher Task Force Recs	
SB	636	Encourage PSAT	
SB	646	Change Calendar Year/Annual Leave	
SB	648	Regional Halfway House Funds	
SB	651	Funds/Johnson C. Smith University	(H 971)
SB	654	Fees/Milk Processors	
SB	658	Infant Mortality Prev. Funds	(H 862)
SB	667	Fisheries Dev't Foundation Funds	(H 834)
SB	671	Salary Correction	
SB	674	Free Vaccine To Health Providers	
SB	677	Northside High Field House Funds	
SB	679	MR/DD Funds	
SB	680	State Games of NC Funds	
SB	686	Drug Buy Funds	
SB	687	Bertie Forest Ranger Funds	
SB	688	Children's Home Funds	
SB	695	Domestic Violence Funds	
SB	696	Radio Reading Services Funds	
SB	701	Co. Sr. Center Funds	
SB	703	Migrant Housing Funds	
SB	705	Farmers' Market/Franklin County	
SB	715	Special Drug Prosecution Funds	
SB	718	Salary Study Commission	
SB	721	Environmental Health Funds	
SB	724	Commuting in State Vehicle	
SB	742	Funds/Alexander Cnty. Med. Svces.-1	(S 746)
SB	746	Funds/Alexander Cnty. Med. Svces.-2	(S 742)
SB	748	N.C. Solar Center Funds	
SB	751	State Educational Equity Grants	

Bills Remaining in Committee (Continued)
APPROPRIATIONS (Continued)

SB	754	Magistrates' Education Incentive	
SB	757	Statewide Health Promotion Prog. Fnds.	
SB	760	RSVP Program Funds	
SB	762	Alamance Prison Units Funds	
SB	763	Substance Abuse Program Funds	
SB	764	Mitchell Community College Funds	
SB	775	Out-Of-State Witness Payment	
SB	780	Distribute IV-D Support in 10 Days	
SJR	783	Authorize LRC Study/NC Wild. Res. Commn.	(H 1344)
SB	784	Flexible Benefit Plans	(H 1314/Ch. 1059)
SB	795	State Employee Health Changes	
SB	800	Rural Obstetrical Care Funds	
SB	802	Authorize Studies/LRC	
SB	809	State Employee Chem. Dependency	(H 1093)
SB	815	State Fairgrounds Fire Department Funds	
SB	821	Vance Granville Franklin Cnty./Funds	
SB	823	Arts Council Funds	
SB	824	Air Conditioning/Public Schools	
SB	827	State Employee Emerg. Hosp. Cert.	
SB	845	Temporary Service Purchase	
SJR	848	Study Subst. Abuse Within Prison System	
SB	851	ECU Medicare Reimbursement	(H 1219)
SB	854	Proprietary School Study	
SB	873	Anson Comm. Coll. Funds	
SJR	880	Study Emergency Medical Serv. Act 1973	
SB	881	Single Portal Pilot/Funds	(H 1091)
SJR	887	LRC Study Appr. Treatmt & Ed. Prgm.	
SB	891	Child Care Tax Incentives Study	
SB	904	Goodwill Group Homes Funds	
SB	906	Amend Criminal Statutes	
SB	907	Avery County Growth Management	(H 1381)
SB	912	Isothermal Community College Funds	
SB	919	Industrial Opportunities, Inc., Funds	
SB	920	Smoky Mountain Center Funds	
SB	922	NC Shakespeare Festival Funds	
SB	926	Florence Crittenton Funds	(H 1338)
SB	929	Antique Exhibition Center Funds	
SB	930	Whitakers Fire Funds	
SB	931	Aid To Public Libraries Funds	(H 1368)
SB	932	NC Dance Theatre Funds	
SB	934	Sandhills Children's Center Funds	
SB	935	Sandhills Comm. College Funds	
SB	936	Weymouth Center Funds	
SJR	938	Leg. Research Comm./Study Fin. Support	
SB	940	Surry Comm. Coll. Funds	
SB	941	UNC Escheat Study	
SB	944	Robeson Farmers Market Funds	
SB	950	State Employees Travel Allowance	
SB	955	Natural Heritage Trust Funds	
SB	966	Sup. Ct. Clerk Change	
SB	967	District Ct. Judge/17b	
SB	972	Cabarrus Firemen's Assn. Funds	
SB	975	Retirees' Guaranteed Returns	
SB	979	Adventure House Funds	
SB	980	Stanly Community College Funds	
SB	981	Vietnam Vet. Memorial Funds	
SB	982	Historic Rosedale Funds	

Bills Remaining in Committee (Continued)
APPROPRIATIONS (Continued)

SB	983	Longevity Pay Rate Increase	
SB	984	Autism Foundation Funds	
SB	986	Damage To DOC/DHR Employees' Cars	
SB	987	Tarboro Computer Network Funds	
SB	988	Eastern Regional Detox Funds	
SB	989	Sea Level Boat Funds	
SB	991	Minority Artists Funds	
SB	993	Elderly Pilot Project Funds	
SB	998	Old Salem Funds	(H 1339)
SB	999	Industrial Comm. Staff Funds	
SB	1002	Kings Mtn. P.O. Renovation Funds	
SJR	1003	Leg. Research Comm./Study	(H 1459)
SB	1004	Montgomery Development Funds	
SB	1005	Funds For Richmond Pay Back	
SB	1006	Craven Sewage Funds	(H 1370)
SB	1007	A.A. Cunningham Air Museum Funds	(H 1369)
SB	1008	Southwestern Comm. College Funds	
SB	1011	S.B.I. Agent Funds	
SB	1012	Steps For Sworn S.B.I. Officers	
SB	1014	N. Piedmont Eng. Ctr. Funds	
SB	1016	Instructional Materials/K-6	
SB	1021	Asst. D.A./5th District/Funds	
SB	1022	Masonboro Island Funds	
SB	1025	Residential MR Settings/Funds	
SB	1027	Keep N.C. Clean Funds	(H 1460)
SB	1037	Depository Institutions Study	
SB	1040	Lake Rim Repair Funds	(H 1416)
SB	1049	Access to Justice/Indigents	(H 1473)
SB	1052	Seafood Marketing Funds	
SB	1064	Emergency Vehicles Course Funds	
SB	1066	Marine Research Center Funds	
SB	1067	Medicaid Applications Staff	
SJR	1074	Commission to Study Use of NC Waters	
SB	1082	Fellows Program Funds	(H 1457)
SB	1087	Voc. Textile School Funds	(H 1398)
SB	1091	Legislative Tuition Grant Increase Funds	
SB	1100	Mosquito Control Capital Fund	
SB	1101	Indian Cultural Center Funds	
SB	1102	Turkey Festival Funds	
SB	1105	Extend Lead Teacher Program	(H 1579)
SB	1106	Position for Economic Dev. Funds	
SB	1107	Biotechnology Center Funds	
SB	1108	N.C. Art Museum Planning Funds	
SB	1110	University of N.C. Expenditures	
SB	1111	Domiciliary Rate Increase Funds	
SB	1113	Travel South Funds	
SB	1114	American Children's Home Funds	
SB	1118	Housing Funds	
SB	1119	Energy Assurance Study Commission	
SB	1122	Teacher Asst. Salary Schedule	(H 1826)
SB	1123	Administrator Salary Schedule	(H 1844)
SB	1128	Museum of Life and Science Funds	
SB	1130	North Carolina Tomorrow Funds	(H 1594)
SB	1139	Child Abuse Medical Evaluation Funds	(H 1530)
SB	1140	N.C. Pottery Museum	
SB	1141	Cued Speech Funds	
SB	1144	Historic Preservation Foundation Funds	(H 1596)

Bills Remaining in Committee (Continued)
APPROPRIATIONS (Continued)

SB	1148	Travel and Tourism Funds	
SB	1149	Telecommunications Device For Deaf Funds	
SB	1150	Fusion Research Funds	
SB	1152	Environmental Resource Funds	
SB	1154	HUD 202 Group Home	
SB	1155	E. Minority Econ. Develop. Funds	
SB	1158	Genetic Disorders Funds	
SB	1159	Women's Residential Facility Funds	
SB	1160	Civil Air Patrol Funds	
SB	1162	Infrastructure Needs Study Commission	
SB	1164	N.C. Institute of Medicine Funds	
SB	1166	Uniform Law Commission Funds	
SB	1167	Child Abuse Prevention Center Funds	
SJR	1171	LRC Study Toxic Sub.	
SB	1172	Soil/Water Conservation Comm. Funds	
SB	1173	Eastern N.C. Tomorrow Funds	
SB	1174	Senior Citizens Day Care/Funds	
SB	1176	Alcohol Studies Endowment Funds	
SB	1182	Yadkin River LRC Study	
SB	1183	Education Reporting Funds	
SB	1195	Equalize Pay of House & Senate Officers	
SB	1197	Caldwell Residential Serv. Funds	
SB	1198	Natural Heritage/Clean Water	
SB	1200	District Attorney Personnel Funds	
SB	1201	EMS Agency Continuing Approp.	
SB	1202	Drug Informant Funds	
SB	1203	Fletcher Research Station Funds	
SB	1204	Blue Ridge Mental Health Funds	(H 1843)
SB	1209	Structural Pest Program Funds	
SB	1212	Abused Children/Funds	
SB	1217	Child Mental Health/Matching Funds	
SB	1218	First Step Farm For Women/Funds	(H 1682)
SB	1219	Mountain Area Obstetrical Funds	(H 1681)
SB	1221	UNC Asheville Building Funds	(H 1824)
SB	1222	French Broad River Funds	(H 1437)
SB	1226	Funds for Teacher Workshop	
SB	1231	Small Business Invest. Prog. Funds	(H 1780)
SB	1232	Beaufort Comm. Coll. Bldg/Funds	
SB	1233	A-B Tech. Comm. Coll. Funds	(H 1825)
SB	1235	UNC Asheville Library Funds	
SB	1236	Hugh Torance House & Store Funds	
SB	1237	Kindergarten Study Funds	
SB	1239	Cape Fear River Matching	(H 1602)
SB	1240	State Property Study	
SB	1241	Hemophilia Assistance Funds	
SB	1242	Bridge Maintenance Funds	
SB	1248	S.E. Waste Exchange Funds	
SB	1249	Air/Water Pollution Taxes Funds	
SB	1250	Wetlands Protection Act	
SB	1253	Catawba Educ. Forest Funds	(H 1815)
SB	1254	Drugs In School Study Funds	
SB	1257	Eastern N.C. Equine Funds	(H 1805)
SB	1260	Educ. Facilities Research Lab. Funds	
SB	1261	Consumer Protection/Elderly/Study	
SB	1262	Historic Courthouse Funds	(H 1969)
SB	1267	Marine Patrol Study Commission	
SB	1270	Env. Agency Consolidation Funds	(H 2003)

Bills Remaining in Committee (Continued)
APPROPRIATIONS (Continued)

SB 1271	Inactive Sites Funds	
SB 1272	Superfund Funds	(H 2004)
SB 1273	Tourism Research Proj. Funds	(H 1961)
SB 1274	Travel Reimbursement Allowance	
SB 1279	Brenner Children's Hospital Funds	
SB 1280	Additional Funds/Governor's School	
SB 1281	Center for Comm. Self-Help Funds	
SB 1282	Lake Mattamuskeet Lodge Commn.	(H 1972)
SB 1283	Newbold-White House	
SB 1284	Sports Fishing License Study	
SB 1286	Optics Project-Unccarc Funds	
SB 1287	Executive Mansion Funds	
SB 1289	Tourism Funds	(H 1999)
SB 1290	Study Commission/Homeless Persons	(H 2018)
SJR 1291	LRC Study Ed. Programs	
SJR 1292	LRC Study/Moving Exp./State Emp.	
SB 1294	Teen Pregnancy Legislation	
SB 1295	Med. Malpractice Claims Arb. Study Comm.	
SB 1296	Wilderness Camping Aftercare Funds	
SB 1297	Optics Project-UNC-C Funds	
SB 1298	Local Govt. Study/Reimbursement	
SB 1300	Lenoir Forestry Headquarters Funds	
SB 1301	N.C. Museum of History Bldg. Funds	
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SJR 1303	LRC Study Med. Serv./Law ENF. Personnel	
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SB 1339	Housing Trust Fund	
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SB 1415	Southwestern Comm. College Funds	
SB 1422	Cumberland County MH Funds	(H 2198)
SB 1423	Hope Mills Lake And Park Funds	
SB 1441	Agricultural Finance Authority	(H 2328)
SB 1442	Solid Waste Staff Funds	
SB 1444	Community Action Program Funds	
SB 1445	Exceptional Children Formula/Funds	
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SB 1458	Instructional Equipment Funds	
SB 1460	UNC-G Centennial Funds	(H 2238)
SB 1465	NC Marine Crescent Funds	(H 2088)
SB 1466	Industrial Opportunities, Inc., Funds	

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SB	1503	Corrections Funds	(H 2290)
SB	1504	Private Sector Prison Funds	(H 2291)
SB	1505	Criminal Justice Facility Fund	(H 2289)
SB	1507	County Jail Per Diem Funds	(H 2292)
SB	1513	Topsail Island Storm Funds	(H 2343)
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SB	1515	Topsail Fire Dep't Bldg. Funds	(H 2342)
SB	1517	Special Childrens' Foster Funds	
SB	1518	Family Support Day Care/Funds	
SB	1519	Food Stamp Outreach Funds	(H 2277)
SB	1524	Parental Involvement in Schools	
SB	1529	Wildlife Commission Funds	
SB	1530	School Admin. Salary Schedule	
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SB	1539	School Budget Cuts	
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SB	1542	Loray Girls Home/Funds	
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SB	1582	Infrastructure Bond Bill	
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SB	1599	ECU MRI Unit Funds	(H 2328)
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HB	658	Warrantless Arrest Changes	

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APPROPRIATIONS (Continued)

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HB 1043	State Retirement System Reciprocity	
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HB 1553	Pearl Harbor Day/Funds	
HB 1852	Fire/Rescue Tax Exemption	
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SB 741	Taxing Power Changes-2	
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SB 1234	School Accountability/Flexibility	(H 1806)
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SB 224	Davidson Precincts	(H 308/Ch. 70)
SB 310	Benson Election Changes	(H 408/Ch. 71)
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SB 859	Contributions To PACS	
SB 877	Clarify Dual Office Holding	
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SB 963	Must Serve Mandatory Drug Sentence	
SB 978	Depose State's Criminal Witnesses	
SB 1440	State Voter File/Funds Repealed	
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SB 302	Well Construction Amendments	(H 359)
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SB 371	Transfer Authority/Sewage System	
SB 474	Security for EMC Orders	
SB 619	Carolina Beach Land Transfer	
SB 685	Lumber River/Natural River System	
SB 723	Solid Waste Collection	
SB 816	Tank Cleanup Act Amend	
SB 870	Regulate Hazardous Waste Disposal	
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SB 952	Reduce Hazardous Waste	
SB 957	Amend SE Compact	
SB 958	Solid Waste Advance Disposal Fee	
SB 970	Waste Permit/Local Consideration	
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SB 1425	CAMA Fees	(H 2353/Ch. 987)
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SB 1469	Haz Waste Facility/PCB Landfill	(H 2206)
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SB 1552	Radiation/Emergency Response Fees	(H 2331/Ch. 964)
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96	Amending Executive Order Number 92 Entitled Establishing the Western North Carolina Environmental Council
115	Amending Executive Order Number 92 Entitled Establishing the Western North Carolina Environmental Council

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SB	481	Watauga Revenues For Education	
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SB	488	Inspection Maintenance Program	(H 705/Ch. 391)
SB	500	Consultant Costs/Filing Reqt.'s	
SB	505	UNC-Charlotte Parking Deck	(H 557/Ch. 125)
SB	553	Benson Capacity Charges	(H 908/Ch. 477)
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SB	1120	Simplify Sales Tax Filing	
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SB	1394	Durham City Boundaries	(H 2270/Ch. 891)
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SB	1435	Insurance Department Fees/Prem.Tax Clarif	
SB	1437	Mutual Worker Comp Fund Assessment	
SB	1482	Pender County Act - 1	
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SB	1559	Fees/Public Health Programs	(H 2341/Ch. 1064)
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SB	1563	Health Treatment Tax Exemption	
SB	1572	Bond Bill	
SB	1583	CAMA Fees	
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HB	105	Credit for Antique Autos	
HB	112	Modify Tax Foreclosure Notice	
HB	170	Historic Properties Incentive	
HB	472	Modify Gaston Occupancy Tax	
HB	473	Foreign Sales Corporation Changes	
HB	876	Maternity Leave/Retirement Service	
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SB	334	Comm. Coll. Bds. of Trustees	(H 555/Ch. 521)
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SB	1476	Proprietary School Bond	(H 2185/Ch. 824)

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90	Governor's Advisory Council on Literacy
107	North Carolina Governor's Commission on Workforce Preparedness

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SB	86	Social Services Plan	(H 141/Ch. 448)
SB	99	Winston-Salem Family Care Home Zoning	
SB	114	Delay Medical Waste Incinerators	
SB	655	Dietetics/Nutrition Practice Act	(H 710)
SB	796	Mosquito Control Capital Fund	
SB	803	Clarify Med. Practice Act	
SB	822	Infectious Waste Control	(H 1045)
SB	843	Con/Nursing Home Repeal	
SB	949	Medical Ethics Practice Act	
HB	201	Long-Term Care Data Capability	
HB	710	Dietetics/Nutrition Practice Act	(S 655/Ch. 701)
HB	737	Dog and Cat Sterilization	
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99	Governor's Commission on Reduction of Infant Mortality

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SB	478	County/Town Guaranty Mutuals Exempt	
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SB	807	Homeowners' Insurance Policies	
SB	808	Uninsured/Underinsured Motorist Coverage	(H 1115)
SB	850	Infertility Treatment Coverage-2	
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HB	407	Gov't Leased MV-Insurance	
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SB	17	Community Service Parole Act	(H 16)
SB	21	Truck D.W.I. - Sunset Repealed	
SB	76	Juvenile Driving Privileges	
SB	122	Teen Pregnancy Legislation	
SB	146	Increase Funds to Crime Victims	
SB	240	DWI/Alcohol Treatment Completed	
SB	241	DWI Civil License Revocation	(H 662)
SB	249	Death Pen./Disproportionate Use	
SB	250	Revoke Limited Driving	(H 356)
SB	251	Stop Indefinite PJCS/DWI Cases	(H 534)
SB	317	Special Tags/DWI Limited Privilege	
SB	318	Strengthen DWI Forfeiture Law	
SB	349	Grand Jury/Children & Obscenity	

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SB	398	Ethnic Harassment In Schools	
SB	399	Reporting Ethnic Harassment	
SB	434	Top Priority To Jail Cases	
SB	537	Criminalize Ethnic Intimidation	(H 751)
SB	689	DMV Agents/Peace Officers	
SB	694	Family Violence/Warrantless Arrest	
SB	708	License Revoked for Drug Conviction	
SB	711	Chemical Analysis Certificate	
SB	732	Fair Discovery Act	
SB	735	Controlled Substance Tax	
SB	750	Fleeing Vehicles Amendments	
SB	923	Fetal Death/Murder	
SB	1626	Subclassification Plan-Speeding	
HB	138	Sheriff's Liability/Deputy's Acts.	
HB	545	Kidnapping Law Extended	
HB	626	Jury Instructions/Life Sentences	
HB	713	Probation Extension Notification	
HB	890	Davidson/Income Trespass Fine	
HB	1232	Clarify Continuance Factors	
HB	1273	Modify Jailkeeper Liability	
HB	1301	Pet Theft/Larceny	

Executive Order

85 Amending Executive Order No. 53, Governor's Inter-Agency Advisory Team on Alcohol and Other Drug Abuse

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SB	135	Clarify Alimony Ground	
SB	137	Eminent Domain Change	
SB	194	Dependent Spouse Determination	
SB	307	District Court Limits	
SB	422	Paternity Case Burden of Proof	
SB	459	Repeal Tender Offer Disclosure	(H 638)
SB	504	Commodity Act	(H 696/Ch. 634)
SB	593	Passing Stopped School Bus	
SB	717	Simplify Intangibles Tax	
SB	771	Allocate Entirety Value	
SB	778	Child Support From Date of Filing	
SB	779	Income Withholding/Regular Mail	
SB	798	Sheriff's Liability/Deputy's Act	
SB	914	Parental Control/Minors	
SB	921	Physicians/Tort Claims Act	
SB	1238	DWI/Emer. Med. Service Fees	
SB	1393	Releasing/Loan Assumption Regulated	
SB	1405	District Judge App't 9th Dist.	
SB	1581	1990 Omnibus Drug Act	
HB	676	Local Officers-Insp. ABC Premises	
HB	1056	Equitable Distribution Changes	
HB	2348	Medicaid Subrogation/Funds Increased	

JUDICIARY III

SB	134	Hearing Impaired Serve on Jury	
SB	258	Fair Housing/Sexual Harassment	(H 336)
SB	259	Fair Housing/ADS and Temp. Relief	(H 333/Ch. 721)
SB	262	Fair Housing/Handicapped & Family	(H 334/Ch. 507)
SB	404	Relocate Abandoned Cemeteries	
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SB	683	Headlights On/Inclement Weather	
SB	860	APA Technical Changes	
SB	864	Juv. Placement/Disposition Review	
SB	878	Regulate Athlete Agents	
SB	915	Amend Decl. Judgment Act	
SB	1353	Appraiser Licensing Changes	(H 2050/Ch. 827)
HB	455	Unsolicited Fax Ads-Illegal	
HB	593	Ports Authority Not State Personnel	
HB	625	Service By Fax Machine	
HB	739	Exempt Ports Authority From APA	
HB	879	Hearing/Sight Impaired Jurors	
HB	949	Redefine Moderate Income	
HB	1087	Display Video Ratings	
HB	1102	Estate Claims/Funeral Expenses	
HB	1247	Hot Dog Vendors Regulated	

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SB	71	Charlotte Code Enforcement	
SB	284	New Hanover Ordinance Penalty	
SB	296	Ordinance Penalty Upped	
SB	314	Dare May Hire General Contractor	
SB	495	Fletcher Incorporated	(H 793/Ch. 44)
SB	561	Stokes Beautification	
SB	563	Rockingham Beautification	
SB	564	Surry Beautification	
SB	567	Ashe Beautification	
SB	579	Pender Towns Local Bill	
SB	588	New Hanover Local Bill	
SB	589	New Hanover Cities Local Bill	
SB	596	Iredell County Laws	
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SB	598	Alexander County Laws	
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SB	634	Alamance Local Government	
SB	640	Huntersville Tree Ordinance	
SB	650	New Hanover Hosp. Bidding	
SB	657	Modify Surf City Occupancy	
SB	659	Union Towns Local Bill	
SB	660	Stanly Local Bill	
SB	661	Union Local Bill	
SB	662	Stanly Towns Local Bills	
SB	690	Sanitary District Merger	
SB	725	School Installment Sales	
SB	727	School Leases	
SB	729	School Continuing Contracts	
SB	785	County Laws	
SB	792	Interpretation of Zoning	
SB	1391	Bertie/Madison Wildlife Correction	(H 2124/Ch. 809)
SB	1397	Raise Macon Fire Tax Limit	
SB	1409	Clarify Power To Collect Stormwater Charge	(H 2213/Ch. 1062)
SB	1432	Wilson Jail Contract Exemption	
SB	1433	Duplin County Natural Gas	
SB	1454	Orange Open Space	
SB	1477	Pitt Economic Development	(H 2191/Ch. 847)
SB	1483	New Hanover County Act - 1	
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SB	1489	Topsail Contracts By General Law	(H 2085/Ch. 846)

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LOCAL GOVERNMENT AND REGIONAL AFFAIRS (Continued)

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SB 1492 Orange Density Bonuses
HB 247 Clay County Sheriff
HB 253 Wilkes/Yadkin Junked Cars
HB 271 Andrews Elections Nonpartisan
HB 282 Roper Junked Cars
HB 535 Richmond Annexation Agreements
HB 621 Marvin Grove Incorporated
HB 634 Polk Single Prime
HB 776 Rocky Mount Zoning Notices
HB 778 Rocky Mount Eminent Domain
HB 780 Wilson City/County Junked Cars
HB 825 Rocky Mount Abandoned Vehicles
HB 827 Wilson Eminent Domain
HB 828 Wilson Co/Elm City Junked Cars
HB 885 Harnett/Lee Junked Cars
HB 907 Durham Discrimination Ordinances
HB 1161 Fire Department Annexation Protection
HB 2202 Onslow Property Tax Enforcement
HB 2276 Macon Fire Fees/Taxes
HB 2393 Recreation And Security Districts

MANUFACTURING AND LABOR

SB 23 Drug Testing Regulation (H 12)
SB 107 School Dropout Prevention
SB 522 Employment Discrimination Act (H 587)
SB 1000 Cigarette Manufacturers' Tax
SB 1010 Furniture Manufactures' Tax
SB 1015 Prison Industry Funds
HB 411 Redefine Standard "loaf"
HB 1070 Radiation Tech. Practice Act

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SB 471 Third District Fox Hunting
SB 594 Pamlico Fox Management
SB 633 Caswell Wildlife Game Lands
SB 675 Pitt Fox Hunting
SB 947 Coastal Sounds Water Quality
SB 1562 Lease Radio Island
SB 1574 License To Sell Fish
HB 916 Wilson/Regulate Deer Hunting
HB 1221 Boat Title Act
HB 2200 Mebane Fishing Exception

Executive Order
87 Amending Executive Order No. 75 Concerning the Responsibilities of the Members and Personnel of the North Carolina Wildlife Resources Commission
95 (Replacing Executive Order No. 57) Governor's Blue Ribbon Commission on Coastal Initiatives

PENSIONS AND RETIREMENT

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SB 676 Retired Law Officer Benefit Increases
SB 844 Elected Local Officials' Ret.
SB 852 Pension Fund Changes #2
SB 943 Retirement Formula Increase

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PENSIONS AND RETIREMENT (Continued)

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SB 1342	No Exemptions/Adjust Retiree Formula	(H 2145)
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SB 1480	Sheriff Retirement Funds	
SB 1541	Law Officers' 25 Year Retirement	(H 2380)
SB 1564	Retirement System Clarification	
HB 1271	County Comm. Retirement Benefits	

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SB 1410	County May Distribute Natural Gas	

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SJR 295	100th Anniversary Of Blowing Rock	(H 392/Ch. 5)
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SJR 743	Hon. Revolutionary Patriots	
SB 767	Ethics	
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SB 812	State Laws-2	
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SJR 1288	LRC Study/Cont. Legal Ed.	
SR 1307	Investigate Wage Paymt. In NC	
SJR 1308	Honor Addison Hewlett Jr./Former Speaker	
SJR 1413	Enabling/Restitution For Drug Analysis	
SB 1428	Local Sales Tax Distribution	(H 2369)
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SJR 1590	Enabling/Sale Nonpres. Drugs/Flea Mkt	
SJR 1592	Enabling/Justice Academy Fees	
SJR 1596	Enabling/Mutual Worker Comp Fund Assessmt	
SJR 1602	Enabling/Railroad/Motor Veh. Safety	(H 2384/Ch. 54)
SJR 1603	Enabling/Increase Barber Fees	
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SMALL BUSINESS (Continued)

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79 North Carolina Small Business Council
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SB 165 Removal Of Unfit Elected Officials
SB 176 Boiler/Elevator Inspection (H 280)
SB 216 Multi-Prime/Single Prime Contracts
SB 303 Force Account Limit Raised
SB 642 Robbinsville Force Account
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SB 969 License Masonry Contractors
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HB 42 Disclosure Of Sales Price
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HB 649 Group Purchasing
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80 North Carolina Drug Cabinet
81 Amendment to Executive Order Number 80 North Carolina Drug Cabinet
82 Extending Expiration Date of Executive Order Number 1 to January 31, 1991
83 Office of State Printing
93 Reissuance of Executive Orders 8, 12, 36, 39, 43, 45, 49, and Reissuance and Amendments of Executive Orders 13 and 29.
94 Reissuance of Executive Order Number 94 and Extension of Executive Order Number 71
97 Amendment to Executive Order Number 80 North Carolina Drug Cabinet
100 Extension of Executive Order Number 98
101 Amending/Extending Executive Order Number 55
102 Amendment to Executive Order Number 88 Columbus Voyages Quincentenary Commission
104 Amending Executive Order Number 90
106 Amending/Extending Executive Order Number 66
108 Reestablishment of North Carolina Drug Cabinet and Rescission of Executive Orders 80, 81, and 97
109 The North Carolina Sports Development Commission
110 Governor's Advisory Council on International Trade
111 Amendment and Extension of Executive Order Number 45
112 Restructuring and Reestablishing Governor's Advisory Commission on Travel and Tourism
113 Committee on Governor's Conferences on Library and Information Services
116 Amending and Extending Executive Order Number 78 Governor's Task Force on Injury Prevention
117 Amending Executive Order Number 108 to Include the Secretary of the Department of Revenue in the Membership of the North Carolina Drug Cabinet
119 Establishing the North Carolina Quality Leadership Awards Council
120 Establishing Additional Criteria for Eligibility of Certain Members of the Coastal Resources Commission

Bills Remaining in Committee (Continued)

STATE GOVERNMENT (Continued)

121 Governor's Minority, Female and Disabled-Owned Businesses Construction Contractors Advisory Committee
122 Establishing the Governor's Council of Fiscal Advisors
123 Uniform Floodplain Management Policy

STATE PERSONNEL

SB	48	Merit Pay System	(H 73/Ch. 796)
SB	543	State Personnel Commission	(H 852/Ch. 540)
SB	849	Infertility Treatment Coverage-1	
SB	1192	USS Battleship Commission Powers	
SB	1338	Bonus Award/State Career Employees	(H 2147)
SB	1341	Flexibility In Job Appraisal	(H 2148)
SB	1344	Written Salary Increase Denial	(H 2144)
HB	2142	Performance Pay Oversight	(S 1402/Ch. 1028)
HB	2144	Employees Must Request Writing	
HB	2146	Clarify Merit Pay Proviso	(H 1345/Ch. 1025)
HB	2147	Bonus Award/State Career Employees	(H 1338)
HB	2148	Flexibility In Job Appraisal	(H 1341)

Executive Order

89 Transferring the State Employees' Advisory Group (SEAG) to the Office of State Personnel

TRANSPORTATION

SB	865	Motorcycle Safety Program	(H 1175/Ch. 755)
SB	868	No Financed Vehicle Subleasing	
SB	882	Taxicabs-No Seat Belts Required	
SB	990	Collegiate Registration Plates	
SB	1129	Commission Contractor's Fees	
SB	1385	Transit Authority Registration Tax	(H 2300)
SB	1387	Transit Authority Driver's License Tax	(H 2302)
HB	1246	Railroad Corridor Eminent Domain	
HB	2405	Operation Lifesaver	

Executive Order

91 North Carolina Motor Carrier Advisory Council
98 Hurricane Hugo Relief
103 Extension of Executive Order Number 100

VETERANS AFFAIRS, LAW ENFORCEMENT, AND SENIOR CITIZENS

SB	138	Military Justice Code
SB	304	Inmate Work Efficiency
SB	976	Law Officers' Qualifications
SB	1009	Law Enforcement Training

WAYS AND MEANS

SB	84	Index Homestead Exemption	
SB	92	State Pay Local Costs	
SB	182	DOA To Review DOCC Building	(H 289/Ch. 58)
SB	278	Animal Welfare Act/Revisions	(H 363)
SB	670	Raise Inventory Reimbursement	
SB	707	Drug Traffic/Can't Modify Sentence	
SB	733	Clarify Intangibles Exemption	
SB	1018	Dillsboro Water Funds	
SB	1019	Robbinsville Ec. Dev. Center Funds	
SB	1020	Fort Fisher Funds	(H 1412)
SB	1023	Discretionary Funds/S. Dist. 17	
SB	1026	Discretionary Funds/S. Dist. 4	

Bills Remaining in Committee (Continued)
WAYS AND MEANS (Continued)

SB 1028 Guilford TCC Capital Funds
SB 1029 Discretionary Funds/S. Dist. 22
SB 1030 Discretionary Funds/S. Dist. 18
SB 1031 Discretionary Funds/S. Dist. 7
SB 1032 Cape Fear Community Coll. Funds
SB 1033 Greenville Art Museum Funds
SB 1034 Discretionary Funds/S. Dist. 24
SB 1035 Discretionary Funds/S. Dist. 12
SB 1038 Edgecombe Historical Funds
SB 1039 Discretionary Funds/S. Dist. 25
SB 1041 Discretionary Funds/S. Dist. 33
SB 1043 Discretionary Funds/S. Dist. 3
SB 1044 Duplin Infrastructure Funds
SB 1045 Madison Natural Heritage Funds
SB 1046 Discretionary Funds/S. Dist. 14
SB 1047 Indian Affairs Funds
SB 1048 Discretionary Funds/S. Dist. 30
SB 1050 Discretionary Funds/S. Dist. 8
SB 1051 Discretionary Funds/S. Dist. 23
SB 1053 NC 400 Under Voyages Commission
SB 1054 Caswell Emergency Tower Funds
SB 1055 Discretionary Funds/S. Dist. 23
SB 1056 Black History Center Funds
SB 1057 Discretionary Funds/S. Dist. 13
SB 1058 Discretionary Funds/S. Dist. 21
SB 1059 Discretionary Funds/S. Dist. 9
SB 1060 Discretionary Funds/S. Dist. 1
SB 1061 Discretionary Funds/S. Dist. 29
SB 1062 Discretionary Funds/S. Dist. 12
SB 1063 National Heritage Trust Funds
SB 1065 Discretionary Funds/S. Dist. 25
SB 1069 Discretionary Funds/S. Dist. 10
SB 1070 Discretionary Funds/S. Dist. 16
SB 1071 Discretionary Funds/S. Dist. 14
SB 1072 Discretionary Funds/S. Dist. 19
SB 1073 Discretionary Funds/S. Dist. 17
SB 1075 Discretionary Funds/S. Dist. 26
SB 1076 Discretionary Funds/S. Dist. 27
SB 1077 Discretionary Funds/S. Dist. 15
SB 1078 Discretionary Funds/S. Dist. 27
SB 1079 Discretionary Funds/S. Dist. 31
SB 1080 Discretionary Funds/S. Dist. 6
SB 1081 Discretionary Funds/S. Dist. 29
SB 1083 Discretionary Funds/S. Dist. 25
SB 1088 Discretionary Funds/S. Dist. 28
SB 1089 Maggie Valley Comm. Bldg. Funds
SB 1090 Funds For Polk Street Signs
SB 1092 Discretionary Funds/S. Dist. 34
SB 1093 Discretionary Funds/S. Dist. 5
SB 1094 P.B. Raiford Airport Funds
SB 1095 James Sprunt Building Funds (H 1489)
SB 1096 Professional Dev. Center Funds
SB 1097 CPCC Funds
SB 1099 Discretionary Funds/S. Dist. 11
SB 1103 Discretionary Funds/S. Dist. 24
SB 1104 Discretionary Funds/S. Dist. 16
SB 1109 Discretionary Funds/S. Dist. 26

Bills Remaining in Committee (Continued)
WAYS AND MEANS (Continued)

SB	1112	Moss-Johnson Restoration Funds	
SB	1115	S. Davidson H. S. Uniform Funds	
SB	1116	Randolph Hospital Funds	
SB	1117	Randolph Arts Guild Funds	
SB	1121	Head-Start Funds	
SB	1127	Ag. Cost Share Program Funds	
SB	1131	Richardson Memorial Hospital Funds	(H 1875)
SB	1132	Discretionary Funds/S. Dist. 2	
SB	1133	Dudley High School Band Funds	(H 1550)
SB	1134	Chapel Hill Pilot School Funds	
SB	1135	Adult Learning Center Funds	
SB	1136	Mayland Technical College Funds	
SB	1137	Discretionary Funds/S. Dist. 20	
SB	1138	SECCA Museum Funds	(H 1549)
SB	1142	Wilmington Harbor Dredging Funds	(H 1601)
SB	1143	Discretionary Funds/S. Dist. 14	
SB	1147	Alamance Community College Funds	
SB	1153	Gaston-Lincoln ADAP Funds	(H 1566)
SB	1156	Triad Minority Development Funds	
SB	1157	Funds/Roanoke Amaranth Health Group	
SB	1165	Nature Science Ctr. Funds	
SB	1168	Children/Youth Demonstration Project Funds	
SB	1169	Brevard Music Center Funds	
SB	1170	Fayetteville Tech. Coll. Center	
SB	1175	Gaston County Museum Funds	
SB	1178	Reeves Community Ctr. Funds	
SB	1179	Ashe Performing Arts Funds	
SB	1180	Stoneville Water And Sewer Funds	
SB	1181	Wake Tech. Educ. Ctr. Funds	(H 1694)
SB	1185	Appropriations-2	
SB	1186	Appropriations-1	
SB	1187	Appropriations-3	
SB	1188	Appropriations-4	
SB	1189	Appropriations-5	
SB	1190	Wesley Hall Funds	
SB	1193	Wilmington Harbor Matching Funds	
SB	1194	"The Liberty Cart" Funds	
SB	1196	Cadwell CC and Tech. Inst. Funds	
SB	1199	Appalachian State Fire Funds	
SB	1205	Roanoke-Chowan ADAP Funds	
SB	1206	Mebane Civic Center Funds	
SB	1207	Sword of Peace Funds	
SB	1208	Caswell Civic Center Fund	
SB	1210	Forest Fire Equip. Operator	
SB	1211	Caswell Senior Center Funds	
SB	1213	Montgomery DOT Reimbursement Funds	
SB	1215	Nash-Edgecombe Mental Health Funds	
SB	1216	Thoms Geriatic Eval. Center	(H 1580)
SB	1220	Capital Funds/Pack Place	(H 1680)
SB	1224	Catawba Hospice Funds	
SB	1225	Catawba County Arts Funds	
SB	1228	Flynn Home Funds	
SB	1229	Pilot Mt. Civic And Rec. Ctr. Funds	
SB	1230	Discretionary Funds/S. Dist. 35	
SB	1244	Discretionary Funds/S. Dist. 9	
SB	1246	Discretionary Funds/S. Dist. 32	
SB	1247	"Uplift" Pilot Project Funds	

Bills Remaining in Committee (Continued)
WAYS AND MEANS (Continued)

SB	1255	Jones Agricultural Center Funds	
SB	1256	Jones Senior Center Funds	
SB	1258	Friends Of Old Martin Courthouse Funds	(H 1807)
SB	1259	BHM Regional Library System Funds	(H 1845)
SB	1275	Multipurpose Vans Funds	
SB	1276	Advancing Technology Funds	
SB	1277	Beaufort Co. Arts Council Funds	
SB	1278	Martin Chamber Of Commerce Funds	
SB	1285	Optics Project-CPCC Funds	
SB	1293	Martin Community College Funds	
SB	1299	Elizabeth II Funds	
SB	1305	Mediation Services Funds	
SB	1306	Haywood Schools Junked Cars Funds	
SB	1359	Tax Fairness Changes	(H 2067/Ch. 981)
SB	1364	Tax Fairness Changes	(H 2096)
SB	1366	No Sales Tax On Small Power Producer	(H 2073/Ch. 989)
SB	1403	Tourism Authority Tax Refunds	
SB	1417	Youth League Concessions/No Tax	(H 2204)
SB	1418	Delay Property Tax Interest	
SB	1464	Port Authority/No Sales Tax	
SB	1568	Inmates Pay For Incarceration	
HB	79	Futures Contracts Income Tax	
HB	295	Elderly Care Tax Credit	
HB	360	Alzheimer's Disease Tax Exemption	
HB	417	Modify Security Deposit Tax	
HJR	447	Oppose Motor Fuel Tax/Reduce Fed. Def.	
HJR	448	Abolish Annual Obligation Ceilings	
HB	1193	No Sunday ABC Sales-Motor Fuels	
HB	1350	Extend Tax Refund Deadline	

Executive Order
114 Budget Administration

CONFERENCE COMMITTEE

(SCS = Senate Committee Substitute)
(HCS = House Committee Substitute)

SB	13	Safe Roads Act Study Bill	(HCS for SCS)(H 6)
SB	554	Wilson Junked Cars	(HCS)
HB	204	Access to Government Act	(SCS for HCS)
HB	1302	Residence for Registration	Amds. No. 1, 2

FAILED TO PASS

SB	616	Establishment of Paternity	
SR	692	Amend Perm Rules/1989 Session	
SB	736	Atty Fees/Statutory Lien Actions	(SCS)
SB	794	Licensing Boards Assess Costs	
SB	829	Permit Dogs in Inns and Hotels	
HB	912	Federal Judge May Perform Marriage	(HCS/"Clincher")

HELD AS FILED

SB	45	ECU Regional Center Funds	(H 61)
SB	46	ECU Land Funds	(H 66)
SJR	120	Requesting TVA/Regulate Federal Program	
SB	603	Greensboro School Elections	
SB	1429	Subclassification Plan -- Speeding	
SB	1585	Hazardous Facility Moratorium	
SB	1594	Economic Development Publications	
SJR	1601	Honoring Life/Memory Fred Moore Mills, Jr.	

Bills Remaining in Committee (Continued)

HELD IN CLERK'S OFFICE (Pursuant to Resolution 34)

HJR 985	Study N.C. Health Insurance Pool	(HCS #3)
HB 1802	Simplify Adoptions	(HCS)
HB 2151	Victims Comp./Funds Protected	

POSTPONED INDEFINITELY

SB 93	Transylvania Private Sale	(H 145/Ch. 4)
SB 204	Clarify Business License Info	(H 264/Ch. 22)
SB 331	Honor Founders of Elon College	(H 445/Res. 6)
SB 513	Allow Fractional Deposit Bonds	
SB 862	Limit Community Service Parole	
SB 895	Clarify Medical Services Lien	
SJR 910	Honor Deans School of Public Hlth UNC-CH	(H 1331/Res. 17)
SB 916	Inmate Community Service Credit	
SJR 1319	Honor Claude E. Pope	(H 2034/Res. 27)
SB 1326	Extend Gaston/Mecklenburg Mediation	
SB 1327	Extend Probation/Parole Positions	
SB 1525	UNC Facilities	
SB 1526	UNC-G Project	
SB 1570	UNC Management Flexibility	(SCS)(H 2335/Ch. 936)
SB 1612	Crematory Act	(H2398/Ch. 988)
HB 2262	Richfield Fire District	(S 1494/Ch. 943)

SENATE SIMPLE RESOLUTIONS

SR 108	Deadlines On Introduction of Bills	(Adopted)
SR 143	Adopt Rules of Senate for 1989 Session	(Adopted)
SR 191	Elect Members of the Board of Governors UNC	(Higher Education)
SR 215	Elect Members of the Board of Governors UNC	(Adopted)
SR 692	Amend Perm. Rules/1989 Session	(Fails of Adoption)
SR 722	Honor Dr. James Shepherd/UNC-Central	(Rules)
SR 985	Senate Meet Camp Lejeune	(Adopted)
SR 1263	Senate Rule 42 Amended	(Adopted)
SR 1264	Senate Rule 42.2 Amended	(Adopted)
SR 1265	Senate Rule 42 Amended	(Adopted)
SR 1266	Amending Rule 19/1989 Session	(Rules)
SR 1268	Amending Rule 27/1989 Session	(Adopted)
SR 1307	Investigate Wage Paymt. in NC	(Rules)
SR 1314	Commend US Marine & US Armed Services	(Adopted)
SR 1315	Thank US Marine Corps & Major Gen. Don Gardner	(Adopted)
SR 1316	Honor City of Dunn/"All America City"	(Adopted)
SR 1317	Thank US Marine Corps/ Brigadier Gen. C.L. Vermilyea	(Adopted)
SR 1318	Honor City of New Bern	(Adopted)
SR 1323	Lamenting Supreme Ct./U.S. Flag Decision	(Adopted)
SR 1325	Esther Lentz Olive Chiropractic Day	(Adopted)
SR 1566	Honor State Capitol's Architects/ 150th Anniversary	(Rules)
SR 1609	Honoring Mandella/Citizens of South Africa	(Adopted)
SR 1627	Investigate Willie M. Case	(Adopted)

TABLED

SB 432	Physician's Report to DMV
SB 534	Deed Grantor's Source of Title
SB 1001	Raise Cigarette Tax

Bills Remaining in Committee (Continued)

UNFAVORABLY REPORTED

SB	98	Exempt Ports Authority	(H 134)
SB	118	Additional Aggravating Factors	
SB	140	No Purchase of Tennessee Liquor	(H 190)
SB	528	Real Prop Devolution Statement	
SB	599	Welcome Incorporated	
SB	609	Nonacademic Courses/BEP	
SB	861	Infraction Dismissal/No Ins. Points	
SB	875	Student Promotion Stds	
SB	925	UNC Study/Athletic Wealth Sharing	
SB	946	Teacher Preparation	
SB	954	School Merger Procedures	
HB	449	Extremely Serious Assault/Felony	(HCS)
HB	1135	Modify Bad Check Penalty	(HCS)

UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT

(SCS = Senate Committee Substitute)
(HCS = House Committee Substitute)

SB	2	School Improvement Act	(for SCS #1)
SB	2	School Improvement Act	(for SCS #2)
SB	3	Veto	
SB	4	1989 Lottery Bill--Referendum	
SB	5	No Profane Bumper Stickers	
SB	6	Veto--2	
SB	7	Divide District Court 6	
SB	8	Add District Court 9	
SB	10	Lottery Ticket Possession Legalized	
SB	13	Safe Roads Act Study Bill	(for SCS)(H 6)
SB	14	Governor's Outside Counsel Fund	(H 9)
SB	15	Lower Partial License Fee Interest	
SB	22	AG LRC Study--Consolidation	(H 10)
SB	23	Drug Testing Regulation	(H 12)
SB	26	Compensation for DWI Victims	
SB	38	Prison Emergency Act	
SB	43	Current Operations--Appropriations	(H 67)
SB	44	Expansion Budget 1989-91	(H 66)
SB	50	Home Loan Bank Exemption	
SB	51	Tax Fairness Act	(H 89)
SB	52	Exempt Business Brokers	
SB	62	State Publication Policy	
SB	75	Notary Must be Resident of State	
SB	79	Disposal of Fetal Remains	
SB	82	ARRC Existing Rules Review	
SB	83	Ports Authority Appoint Director	(H 136)
SB	84	Index Homestead Exemption	
SB	104	Sanitary System Cert. & Fee	(H 160)
SB	109	Civic Literacy Act	
SB	111	Solid Waste Revisions	(H 957)
SB	113	Solid Waste Ordinances	
SB	115	Solid Waste Loan Fund	(for SCS #1)
SB	115	Solid Waste Loan Fund	(for SCS #2)
SB	117	Drug Traffic Murder	
SB	130	Ocean Dumping Prohibited	(for SCS #1)
SB	130	Ocean Dumping Prohibited	(for SCS #2)
SB	141	Proof of Insurance/Drivers License	(H 241)
SR	143	Adopt Rules of Senate for 1989 Session	(for SCS)
SB	145	Telephone Surcharges to be Posted	
SB	147	Victim's Comp/Changes	

Bills Remaining in Committee (Continued)
UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (Continued)

SB	151	Natural Heritage Trust Change	
SB	152	City Manager on Co. School Bd.	
SB	155	EMC Reclassify Certain Waters/Penalties	
SB	163	School Employee Salary Schedule	(H 216)
SB	170	Machine Gun	
SB	175	Modify $100 Auto Tax Penalty	
SB	192	Regulate Junked Cars	
SB	193	Fairmont Zoning Notice	
SB	199	Annexation Agreements	
SB	210	Tax Amnesty/Penalties/Enforcement	
SB	214	Warsaw Zoning Notices	
SB	218	Appointed Judges	
SB	219	Appointive Judges Statute	
SB	221	Academic Fraud/Grade Changes	
SB	226	Expand Judicial Divisions	
SB	231	Studies for 1989-90	(H 436)
SB	244	Funds for Nursing Programs	(H 318)
SB	254	Student Loan Recovery Act	
SB	260	Sexual Harassment Misdemeanor	(H 335)
SB	265	Register of Deeds Omnibus	
SB	274	Pesticide Application Notice	
SB	278	Animal Welfare Act/Revisions	(for SCS #1/H 363)
SB	278	Animal Welfare Act/Revisions	(for SCS #2/H 363)
SB	280	Business Corporation Act	(H 366)
SB	282	Communicable Disease Law Changes	(for SCS #1/H 362)
SB	282	Communicable Disease Law Changes	(for SCS #2/H 362)
SB	290	North Carolina Highway Trust Fund	(H 399)
SB	308	Public Contracts	
SB	309	Control Share Acquisition Act Amd.	(H 396)
SB	324	Haz. Waste Management	
SB	329	Students Cannot Work Past Ten	
SB	339	Uniform Roadside Hunting	
SB	340	Wildlife Protectors Enforcement	
SB	344	Comprehensive Health Education	
SB	358	Amend Time Share Act	
SB	359	Degradable Six-Pack Ring	(H 609)
SB	372	Certify Operators of Sewage Systems	
SB	377	Credit Card Changes	
SB	378	Retail Competition Preserved	(for SCS #1/H 520)
SB	378	Retail Competition Preserved	(for SCS #2/H 520)
SB	379	Qualify Forestry Exemption	
SB	380	ABC Law Amendments	
SB	394	Environmental Compliance Bonding	(H 585)
SB	412	Smithfield Election Changes	
SB	421	Temporary School Superintendents	
SB	423	Quality Assurance Committees	
SB	426	Child Support/Medical Support	
SB	430	Special Needs Notice Change	
SB	437	Wilmington Liens	
SB	442	Rose Hill Zoning Notice	
SB	443	City/Sanitary District Merger	
SB	446	Medigap Insurance	
SB	447	JUA Sunset Repeal	
SB	451	Small Business Council Act	
SB	452	Add Superior Ct. Judge Dist. 13	
SB	455	Special Needs Age Change	

Bills Remaining in Committee (Continued)
UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (Continued)

SB	456	Improve Public Records Law	
SB	463	Regulation of Athlete Agents	(for SCS #1/H 712)
SB	463	Regulation of Athlete Agents	(for SCS #2/H 712)
SJR	475	Jockey's Ridge/Morrow Mtn. State Park	
SB	476	Nature and Historic Preserve Changes	
SB	479	Wilson Zoning Notices	
SB	480	Elkin Annexed	
SB	485	Statewide Fox Management Plan	
SB	488	Inspection Maintenance Program	(H 705)
SB	494	Winery Special Show Permits	
SB	497	Building Code Amendments	
SB	498	Insurance Crimes	
SB	499	Insurance Amendments/Arson	
SB	501	Guaranty Fund Changes	
SB	502	Insurance Reciprocals	
SB	503	Long-Term Care Insurance	
SB	511	IV-D Child Support/Withholding	
SB	512	Insurance Omnibus Amendments	
SB	514	Stop Bear Trade	
SB	517	Capacity to Proceed to Trial	
SB	519	Continuing Care Centers	
SB	520	Securities Enforcement	(H 719)
SB	524	Drug Schedule Additions	
SB	531	Equit. Distrib. for Incompetent	
SB	535	Simplify APA Rule Making Process	
SB	538	Carthage Annexation Authorized	
SB	541	State Information Management	
SB	548	Collection Agency Amendments	
SB	549	Limit Ins. Co. Ceding Power	
SB	555	Rocky Mount Zoning Notices	(H 776)
SB	559	Municipal Pooled Projects	
SB	565	Alleghany Beautification	
SB	568	Watauga Beautification	
SB	570	Greensboro Eminent Domain	
SB	574	Albermarle School Elections	(H 873)
SB	576	Wake Forest Facility Fees	
SB	587	Pender Local Bill	
SB	600	Educator Annuity Contracts	
SB	601	Wake Zoning Notices	
SB	605	Amend Protective Services	
SB	610	Commercial Driving While Impaired	
SB	614	Lewiston-Woodville Boundaries	(H 809)
SB	621	Wilson Local Development	(H 826)
SB	624	Business Energy Improvement Program	(H 728)
SB	625	Union/Monroe School Units	
SB	627	Gaston Hospital Lease	
SB	646	Change Calendar Year/Annual Leave	
SB	647	Mecklenburg Convention Center	(for SCS #1)
SB	647	Mecklenburg Convention Center	(for SCS #2)
SB	652	Statesville Housing	
SB	654	Fees/Milk Processors	(for SCS #1)
SB	654	Fees/Milk Processors	(for SCS #2)
SB	664	Town of Connelly Springs	
SB	666	Amend Catawba Law	
SB	673	Modify Funeral Practice Act	
SB	682	File Court Papers by Fax	

Bills Remaining in Committee (Continued)
UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (Continued)

SB	691	Commercial Driver License	
SB	698	Child Support Guidelines	
SB	699	Controlled Substance Tax	(H 1214)
SB	700	Tobacco Check-Off	
SB	706	Drug-Induced Death/Crim. Liability	
SB	717	Simplify Intangibles Tax	
SB	728	School Lease-Purchase	
SB	729	School Continuing Contracts	
SB	730	Repeal Speedy Trial Act	
SB	736	Atty. Fees/Statutory Lien Actions	
SB	740	Taxing Power Changes	
SB	755	Pres. Pro Tem's Appointments	
SB	758	Judicial License Plates	(for SCS)
SB	758	Judicial License Plates	(SCS--withdrawn)
SB	766	Vesting Property Rights	
SB	773	Towing Liability Amendments	
SB	774	Directors Liability	
SB	780	Distribute IV-D Support in 10 Days	
SB	789	Senate President's Appointments	
SB	791	State Games Cars	
SB	814	Workers' Comp./Medical Records	
SB	824	Amend Certain Statutes	
SB	831	Scrap Tire Disposal Act	(for SCS #1)
SB	831	Scrap Tire Disposal Act	(for SCS #2)
SB	831	Scrap Tire Disposal Act	(for SCS #3/see S 111)
SB	834	Counterfeit Recordings Amendments	(H 1141)
SB	836	Simplify Fiduciary Compensation	
SB	842	Selective Service Registration Required	
SB	853	Pension Fund Changes	
SB	856	Inactive Sites Amendments	(H 1223)
SB	857	Admin. Adjudicator Status	
SB	858	ABC--Unincorporated Areas Redefined	
SB	869	Superfund Authorization	(H 1222)
SB	871	Waste Amendments--1	(H 1312)
SB	879	Modernize Pawnbroker Act	
SB	884	Optician Fees/Contact Lens Reg.	
SB	892	Collegiate Registration Plates	(H 1371)
SB	894	Income in Respect of Decedent	
SB	896	Fire Sprinkler Contractors	
SB	903	Unemployment Benefits/Bankruptcy	
SB	906	Amend Criminal Statutes	
SB	913	Increase Vanity Plate Fees	
SB	928	Utilities' Regulatory Fees	
SB	933	Permanent Plates on Trailers	
SB	937	Electrolysis Regulation Act	
SB	942	Local Notice for Discharge Permits	
SB	945	Attorney's Fees in Code Actions	
SB	950	State Employees Travel Allowance	
SB	959	Counties to Require Recycling	
SB	962	Underground Storage Tank Amendments	
SB	977	Offshore Oil Impact Protection	
SB	994	Dangerous Dog Liability	
SB	1013	Law Officers' Oaths/Funds	
SB	1042	Discretionary Funds/S. Dist. 13	
SB	1084	Set Fees	
SB	1085	Increase Revenue	

Bills Remaining in Committee (Continued)
UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (Continued)

SB	1086	Equalize Retirement Pay	
SB	1114	Rowan Children's Home Funds	
SB	1124	Omnibus Courts Bill	(H 1913)
SB	1151	Watercraft Titling Act	(for SCS #1)
SB	1151	Watercraft Titling Act	(for SCS #2)
SB	1161	LP Gas Filler Certification	(H 1526)
SB	1184	Regional Sports Authorities	
SB	1198	Natural Heritage/Clean Water	
SB	1231	Small Business Invest. Prog. Funds	(H 1780)
SB	1250	Wetlands Protection Act	
SR	1263	Senate Rule 42 Amended	
SR	1265	Senate Rule 42 Amended--2	
SB	1269	UNC Budget Process Study	(H 1993)
SB	1274	Travel Reimbursement Allowance	
SB	1309	Budget Reconciliation Act	(for SCS #1)
SB	1309	Budget Reconciliation Act	(for SCS #2)
SB	1345	Clarify Merit Pay Proviso	(H 2146)
SB	1348	Deferred Comp Tax Exempt	
SB	1359	Adopt 1990 Code and Index	(H 2067)
SB	1360	Highway Use Tax/Sales Tax Changes	(for SCS #1/H 2069)
SB	1360	Highway Use Tax/Sales Tax Changes	(for SCS #2/H 2069)
SB	1360	Highway Use Tax/Sales Tax Changes	(for SCS #3/H 2069)
SB	1362	Modify Taxation of N.C. Enterprise Corp.	(H 2072)
SB	1378	Water Transfer Prohibited	
SB	1388	Restructure Budget Process	
SB	1392	Charlotte/Pineville Boundary	
SB	1393	Releasing Regulated	
SB	1394	Durham City Boundaries	(H 2270)
SB	1402	Performance Pay Oversight	(H 2142)
SB	1403	Tourism Authority Tax Refunds	
SB	1408	Med Supp/LTC Agent Fees	
SB	1412	MEWA Fees/Regulation	
SB	1416	Senate President's Appointments	
SB	1426	Current Operations/1990-91	
SB	1427	Capital Improvements/1990-91	
SB	1435	Insurance Department Fees--2	
SB	1447	Andrews Annexation Suspended	(for SCS #1)
SB	1447	Andrews Annexation Suspended	(for SCS #2)
SB	1452	Orange Community Sewage	
SB	1455	Tax Payment Due April 15	
SB	1467	Increase Barber Fees	(H 2209)
SB	1475	Proprietary School Law Funds	(for SCS #1/H 2187)
SB	1475	Proprietary School Fees	(for SCS #2/H 2187)
SB	1478	Green Level Incorporated	(H 2172)
SB	1481	Pender Fee Collection	
SB	1482	Pender County Act--1	
SB	1487	Pender County Act--2	
SB	1493	Blood/Alcohol Content Test Fee	
SB	1500	Sentencing Commission Act	(H 2284)
SB	1521	Bailey Zoning Notices	
SB	1523	Winston-Salem Occupancy Tax	
SB	1524	Parental Involvement in Schools	
SB	1527	Gaston/Meck. Revenue Changes	
SB	1534	Mining Permit Fees	
SB	1535	Fees for Dam Permits	
SB	1536	Erosion Plan Fees	

Bills Remaining in Committee (Continued)
UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (Continued)

SB	1543	School Supp. Material/Diff. Pay	(H 2309)
SB	1559	Surcharge/Local Health Programs	(for SCS #1/H 2341)
SB	1559	Fees/Public Health Programs	(for SCS #2/H 2341)
SB	1568	Inmates Pay for Incarceration	
SB	1569	Pro Tem's Appointment	
SB	1570	UNC Management Flexibility	(H 2335)
SB	1575	Income Tax Surtax	
SB	1579	Ports Board Changes/Funds	
SB	1582	Infrastructure Bond Bill	
SB	1587	Setoff Debt Collection Charges	
SB	1589	Commercial Driver's Licenses	(H 2315)
SB	1591	Judicial Department Funds	
SB	1598	Retiree's Increase	(H 2366)
HJR	1	Inviting Governor to Address Joint Session	(S 1)
HB	35	Statewide Stormwater Standards	(HCS for SCS)
HB	73	Performance-Based Pay Systems	(HCS for SCS)
HB	93	Consent for Minor's Abortion	
HB	112	Notice Request Filing Fee	
HB	141	Social Services Plan	
HB	156	Watershed Protection Rules	(HCS for SCS)
HB	157	State Water Plan	
HB	203	Rock Barn Only Annexed Whole	(HCS for SCS)
HB	204	Access to Government Act	(HCS for SCS)
HB	225	Albemarle Hospital Trustees	
HB	236	Magistrates' Plea Jur.	
HB	242	Amend Facility Board Membership	
HB	267	Drug Free School Zone	
HB	268	On-Site Sewage Reg. Changes	(HCS for SCS)
HB	275	Methamphetamine/Traffick Offense	(for SCS #1)
HB	275	Amphetamine Traffick Offense	(for SCS #2)
HB	275	Methamphetamine/Traffick Offense	(for SCS #3)
HB	285	Designer & Contractor Evaluation	
HB	323	Incorporate Carolina Shores	(HCS for SCS)
HB	340	Area Board Composition	(HCS for SCS)
HB	381	Housing Div. in Commerce	(HCS for SCS #1)
HB	381	Housing Div. in Commerce	(for SCS #2)
HB	397	DOT Private Contract Participation	(HCS for SCS)
HB	399	Highway Trust Fund/General Fund Rev.	(HCS #2 for SCS)
HB	403	Roadway Corridor Planning Participation	(HCS for SCS)
HB	416	Wipers On/Headlights On	(HCS for SCS)
HB	425	Employment Sec. Law Conformed	
HB	457	Property Used by Government/Tax	(HCS #2 for SCS)
HB	458	Extend Wage Increase Deadline	
HB	467	Indigent Care Study Recommendations	(HCS for SCS)
HB	474	Human Tissue Transportation	
HB	480	Environmental Agency Consolidation	(HCS for SCS #1)
HB	480	Environmental Agency Consolidation	(for SCS #2)
HB	516	Asbestos Control Program	(HCS #2 for SCS)
HB	517	Medical Examiner Jurisdiction	
HB	524	Expand Fair Treatment for Victims	(HCS for SCS)
HB	531	No School Profanity	(HCS for SCS #1)
HB	531	No School Profanity	(for SCS #2)
HB	541	Interest on Tort Claims Awards	
HB	564	Cosmetology Board Appointees	(HCS for SCS)
HB	583	Insurer Receiverships	(HCS for SCS)
HB	593	Ports Authority Not State Personnel	(Ruled Not Germane)

Bills Remaining in Committee (Continued)
UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (Continued)

HB	603	Allow Annual Fuel Tax Filing	
HB	606	Appellate Procedure Update	(HCS for SCS)
HB	613	Water Pollution Control Permits	(HCS for SCS)
HB	628	Limit Liab./Credit Union Officer	(HCS for SCS)
HB	644	Clarify Inactive Haz. Sites Law	(HCS for SCS)
HB	650	Kids Who Don't Say No Won't Drive	(HCS for SCS)
HB	658	Warrantless Arrest Changes	(for SCS #1)
HB	658	Warrantless Arrest Changes	(for SCS #2)
HB	683	Lincolnton Zoning Notices	
HB	685	Human Relations Council Change	
HB	694	Public Transit Authority	(HCS for SCS #1)
HB	694	Public Transit Authority	(for SCS #2)
HB	696	Commodity Act	
HB	697	NCHFA Distressed Projects	
HB	699	Salvage Title Amendments	
HB	703	Insurance Agent Education	(HCS #2 for SCS)
HB	704	Charitable Solicitation Law	
HB	711	Amend Incompetency/Guardianship	(HCS for SCS)
HB	752	DWI Modifications	(HCS for SCS)
HB	758	Plant Protection Act Amended	
HB	759	Wake Forest Zoning	
HB	777	Wilson Zoning Notices	
HB	779	Elm City Zoning	
HB	783	Interpleader Funds Deposit	
HB	813	Cabarrus Occupancy Tax	
HB	824	Edgecombe/Nash Junked Cars	
HB	836	Rockingham School Elections	(for SCS #1)
HB	836	Rockingham School Elections	(for SCS #2)
HB	839	Garner Occupancy Tax	(HCS for SCS)
HB	865	Gastonia Fair Housing	(HCS for SCS)
HB	879	Hearing/Sight Impaired Jurors	(HCS for SCS)
HB	898	Alamance/Rockingham Hunting	(HCS for SCS)
HB	927	Long/Holden Beach Height Limit	(HCS for SCS)
HB	932	Penalty Increase/Engineering Violations	(HCS #2 for SCS)
HB	950	Increase Service of Process Fees	(HCS for SCS)
HB	957	Underground Storage Tank Amendments	(HCS for SCS)
HB	960	Local Gov't Contracts	(HCS #2 for SCS #1)
HB	960	Local Gov't Contracts	(for SCS #2)
HB	998	General Assembly Purchasing	
HJR	1029	Honor Men/Women Who Die on Job	
HB	1036	Good Samaritan Changes	
HB	1096	Speakers Appointments	(HCS for SCS)
HB	1124	Air Quality Permits/Special Orders	(HCS for SCS)
HB	1125	POW/MIA Flag Over Capital	
HB	1147	Clarify Survivorship Law	(for SCS #1)
HB	1147	Clarify Survivorship Law	(for SCS #2)
HB	1149	Tests to Protect Police Officers	(HCS for SCS)
HB	1153	Solid Waste Firm Annexations	
HB	1160	No Disclosure of Death or Illness	(HCS for SCS)
HB	1177	Penalties for Environmental Crimes	
HB	1186	Dual Party Relay System	(HCS for SCS)
HB	1201	Defective Vehicle/Lessee's Remedies	
HB	1203	Erosion Control Plan/New Criteria	
HB	1205	Cosmetology Requirements	(HCS for SCS)
HB	1223	Inactive Sites Amendments	(HCS for SCS)
HB	1234	Worthless Check Affidavit	

Bills Remaining in Committee (Continued)
UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (Continued)

HB 1264	Motorcycle Helmet Usage	(HCS for SCS)
HB 1269	Medical Support/Dependent Children	(HCS for SCS)
HB 1274	Sheriff's Penalties Changes	
HB 1279	Post-Manufacture Damage Disclosure	(HCS for SCS)
HB 1280	Dealer Plates/Personal Use	(HCS for SCS)
HB 1291	Probate Code Amendments	
HB 1296	Increase Animal Cruelty Penalties	
HB 1311	Retirement Tax Changes	(HCS for SCS)
HB 1334	Public Auction MV Dealer Inspections	
HB 1350	Extend Tax Refund Deadline	(HCS for SCS)
HB 1427	Dental Survey Funds/Board Per Diem	(HCS for SCS)
HB 1668	Vehicle Tax Exemption Change	
HB 1679	Handicapped Education Age Change	(HCS for SCS)
HJR 2038	Adjournment Resolution	(HCS for SCS)
HB 2040	Statesville Satellite Annexations	
HB 2047	Bank/Savings Assn. Conversion	(HCS for SCS)
HB 2070	Revenue Laws Tech. Changes	(HCS for SCS)
HB 2121	Davie Firearm Ordinance	
HB 2128	Rockingham Land Acquisition	
HB 2197	Long Beach ABC Commn Enlarged	
HB 2207	Sales Tax on Ice/Vietnam Memorial	(HCS for SCS)
HB 2227	Utility Right-of-Way/DOT	(HCS for SCS)
HB 2249	Clarify EMC Civil Penalty Powers	(HCS for SCS)
HB 2257	Premium Tax Clarification	(HCS #2 for SCS)
HB 2260	Environmental Tech. Corr.	
HB 2284	Sentencing Commission Act	(HCS for SCS)(S 1500)
HB 2375	1990 Omnibus Drug Act	
HB 2394	Uniform Federal Lien Registration	

June 13, 1990 (See page 73)

RESOLUTIONS FROM OTHER STATES

The following resolution is received from another legislative body:

OHIO HOUSE OF REPRESENTATIVES
COLUMBUS
43215

June 7, 1990

Sylvia Morris Fink
Principal Clerk of the Senate
2020 Legislative Building
Raleigh, North Carolina 27611

Dear Ms. Fink:

The Ohio House of Representatives has adopted House Concurrent Resolution Number 41.

In accordance with the directions contained therein, I am forwarding a copy to you.

Best regards.

Sincerely,
S/Dean L. Johnson
Legislative Clerk
Ohio House of Representatives

As Adopted by the House

118th General Assembly
Regular Session
1989-90

H. Con. R. No. 41

MMES. SHEERER-CAMPBELL-MESSRS. STINZIANO-MECHLING-SCHUCK-CLARK-GERBERRY-MRS. RANKIN-MESSRS. SEESE-W. JONES-TROY-HICKEY-MALLORY-MS. CAIN-MESSRS. COLONNA-KRUPINSKI-MS. WHALEN-MESSRS. SHOEMAKER-HAGAN-MS. LUCAS-MR. VAN VYVEN-MMES. PRINGLE-ABEL-MESSRS. MAHNIC-FOX-SHIVERS-SYKES-ADAMS-AMSTUTZ-WISE-SUSTER-T. JOHNSON

Concurrent Resolution

Memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Windfall.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO (THE SENATE CONCURRING):

WHEREAS, The members of the 118th General Assembly of Ohio wish to memorialize the Congress of the United States to review the provisions of the Social Security

Act commonly known as the Social Security Offset and Windfall, which substantially reduce the anticipated retirement benefits of Ohio public employees, for the purpose of repealing or amending those provisions to provide relief for such public employees and parity with benefits enjoyed by non-public employees who are able to receive private pensions without comparable reduction in Social Security benefits; and

WHEREAS, Public employees in the State of Ohio participate in state or local public retirement systems and not in the Social Security System as to such public employment; and

WHEREAS, Numerous Ohio public employees and/or their spouses also are or have been employed in non-public sector jobs for which they and their employer have contributed to the Social Security System; and

WHEREAS, Upon retirement after many years of dedicated public service, Ohio public employees have been promised and are entitled to receive a public pension based upon the service and contributions to the state retirement systems; and

WHEREAS, Ohio public employees who have also been employed in non-public sector jobs or have spouses who have been so employed and have contributed to the Social Security System upon retirement expect to receive Social Security benefits commensurate with their Social Security-covered service and comparable to those received by all others who contributed to the Social Security System; and

WHEREAS, As a result of the Social Security Windfall provision, Section 215 (a)(7) of the Social Security Act and the Offset provision, Subsections (b)(4), (c)(2), (e)(7), (f)(2), and (g)(4) of Section 202 of the Social Security Act, the Social Security benefits for which contributions were made by the employee or the employee's spouse, respectively, are substantially reduced or eliminated, severely impacting the financial condition of the public retiree; and

WHEREAS, The General Assembly firmly believes that Ohio public employees should not be penalized for their years of dedicated public service and should receive Social Security benefits which are commensurate with their or their spouses' years of Social Security-covered service and contributions and are comparable to those received by all other employees; therefore be it

RESOLVED, That we, the members of the 118th General Assembly of Ohio, in adopting this Resolution, hereby apply to the Congress of the United States to review the Windfall and Offset provisions of the Social Security Act for the sole purpose of repealing or amending such provisions to provide relief to public system retirees and to provide Social Security benefits to such public system retirees which are commensurate with their or their spouses' years of Social Security-covered service and contributions and are comparable to those received by other retirees; and be it further

RESOLVED, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to each member of Congress, to the Secretary of State and presiding officers of both houses of the legislature of each of the other states in the Union, to the Clerk of the United States House of Representatives, to the Secretary of the United States Senate, to the president of the United States, and to members of the public media.

Received August 31, 1990

The following documents are received in the Office of the Senate Principal Clerk relative to the appointment of Herbert L. Hyde to fill the vacancy created by the death of Senator Robert S. Swain:

STATE OF NORTH CAROLINA

THE APPOINTMENT OF HERBERT L. HYDE
1990
BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA
A PROCLAMATION

WHEREAS, the Honorable Robert S. Swain, elected Senator from the 28th State Senatorial District, died on Sunday, August 19, 1990; and

WHEREAS, the provisions of General Statutes 163-11 require that the vacancy created by the death of the Honorable Robert S. Swain be filled by appointment of the person recommended by the 28th State Senatorial District Executive Committee of the Democratic Party; and

WHEREAS, the 28th Senatorial District Executive Committee of the Democratic Party has notified me of its recommendation of Herbert L. Hyde of Asheville, North Carolina, to fill said vacancy,

I do by these presents appoint
Herbert L. Hyde
as a member of the
SENATE
1989 General Assembly

IN WITNESS WHEREOF, I have hereunto signed by name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 31st day of August in the year of our Lord, one thousand nine hundred ninety.

S/James G. Martin
Governor of North Carolina

S/Rufus L. Edmisten (SEAL)
Secretary of State

Received September 10, 1990

OATH
OF
HERBERT L. HYDE
MEMBER FROM THE 28th SENATORIAL DISTRICT
SESSION 1989

"I, Herbert L. Hyde, do solemnly swear that I will support and maintain the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear that I will well and truly execute the duties of my office as a member of the Senate of the 1989 North Carolina General Assembly according to the best of my skill and ability, according to law; so help me, God."

S/Herbert L. Hyde

Sworn to and subscribed before me this
7th day of September, 1990.
S/Robert D. Lewis
Superior Court Judge

APPENDIX

CamScanner

NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G.S. 120-1)

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Towns, Census Tracts, Enumeration Districts
1st	(1)	BEAUFORT (Township of Pantego), BERTIE (Townships of Merry Hill, Whites, Windsor—Town of Askewville; Enumeration Districts 196,197), CAMDEN, CHOWAN, CURRITUCK, DARE, GATES (Townships of Holly Grove, Hunters Hill, Mintonsville), HYDE, PASQUOTANK, PERQUIMANS, TYRRELL, WASHINGTON.
2nd	(1)	BERTIE (Townships of Colerain, Indian Woods, Mitchell, Roxobel, Snake Bite, Woodville, Windsor—Town of Windsor; Enumeration Districts 198A, 199), EDGECOMBE (Townships of 3—Upper Conetoe, 4—Deep Creek), GATES (Townships of Gatesville, Hall, Haslett, Reynoldson), HALIFAX (Townships of Conocarnara, Enfield, Halifax, Littleton, Palmyra, Roseneath, Scotland Neck, Weldon), HERTFORD, MARTIN (Townships of Goose Nest, Hamilton), NORTHAMPTON, VANCE (Townships of Middleburg-Nutbush, Townsville, Williamsboro), WARREN (Townships of Fork, Hawtree, Nutbush, River, Roanoke, Sandy Creek, Shocco, Sixpound, Smith Creek, Warrenton)
3rd	(1)	CARTERET, CRAVEN, PAMLICO.
4th	(1)	ONSLOW.
5th	(1)	DUPLIN, JONES, LENOIR, PENDER (Townships of Columbia, Union).
6th	(1)	EDGECOMBE (Townships of 1—Tarboro, 2—Lower Conetoe, 5—Lower Fishing Creek, 8—Sparta, 9—Otter Creek, 10—Lower Town Creek, 11—Walnut Creek, 12—Rocky Mount, 13—Cokey, 14—Upper Town Creek), MARTIN (Township of Robersonville), PITT (Townships of Arthur, Belvoir, Bethel, Falkland, Farmville, Fountain), WILSON (Townships of Gardner, Wilson, Toisnot).
7th	(1)	NEW HANOVER, PENDER (Townships of Burgaw, Canetuck, Caswell, Grady, Holly, Long Creek, Rocky Point, Topsail).
8th	(1)	GREENE, WAYNE.
9th	(1)	BEAUFORT (Townships of Bath, Chocowinity, Long Acre, Richland, Washington), MARTIN (Townships of Beargrass, Cross Roads, Griffins, Jamesville, Poplar Point, Williams, Williamston), PITT (Townships of Ayden, Carolina, Chicod, Greenville, Grifton, Grimesland, Pactolus, Swift Creek, Winterville).
10th	(1)	EDGECOMBE (Townships of 6—Upper Fishing Creek, 7—Swift Creek), HALIFAX (Townships of Brinkleyville, Butterwood, Faucett, Roanoke Rapids), NASH, WARREN (Townships of Fishing Creek, Judkins), WILSON (Townships of Black Creek, Cross Roads, Old Fields, Saratoga, Springhill, Stantonsburg, Taylor).
11th	(1)	FRANKLIN, VANCE, WAKE (Townships of Bartons Creek, Little River, Marks Creek, New Light, Wake Forest, St. Matthews Precincts 1, 2, 3, 4).
12th	(2)	CUMBERLAND (Townships of Black River, Carvers Creek, Cedar Creek, Cross Creek, Eastover, Gray's Creek, Manchester, Pearces Mill, Rockfish, Seventy-First).

13th	(2)	DURHAM, GRANVILLE, ORANGE (Townships of Cedar Grove, Eno, Little River), PERSON.
14th	(3)	HARNETT, LEE, WAKE (Townships of Buckhorn, Cary, Cedar Fork, Holly Springs, House Creek, Leesville, Meredith, Middle Creek, Neuse River, Panther Branch, Raleigh, St. Mary's, St. Matthews [not including District 11], Swift Creek, White Oak).
15th	(1)	JOHNSTON, SAMPSON.
16th	(2)	CHATHAM, MOORE, ORANGE (Townships of Bingham, Chapel Hill, Cheeks, Hillsborough), RANDOLPH.
17th	(2)	ANSON, MONTGOMERY, RICHMOND, SCOTLAND, STANLY, UNION.
18th	(1)	BLADEN, BRUNSWICK, COLUMBUS, CUMBERLAND (Township of Beaver Dam).
19th	(1)	FORSYTH (Townships of Belews Creek, Kernersville), GUILFORD (Townships of Bruce, Center Grove, Clay, Fentress, Greene, Madison, Monroe, Oak Ridge, Rock Creek, Washington—Precincts of Friendship I, Greensboro 10, 20, 21, 27, 28, 32, 34, 35).
20th	(2)	FORSYTH (Townships of Abbotts Creek, Bethania, Broadbay, Clemmonsville, Lewisville, Middle Fork, Old Richmond, Old Town, Salem Chapel, South Fork, Vienna, Winston).
21st	(1)	ALAMANCE, CASWELL.
22nd	(1)	CABARRUS, MECKLENBURG (Precincts of Charlotte 62, 64, Clear Creek, Matthews, Mint Hill 1, 2, Morning Star, Providence).
23rd	(2)	DAVIDSON, DAVIE, ROWAN.
24th	(2)	ALLEGHANY, ASHE, ROCKINGHAM, STOKES, SURRY, WATAUGA.
25th	(3)	CLEVELAND, GASTON, LINCOLN, RUTHERFORD.
26th	(2)	ALEXANDER, CATAWBA, IREDELL, YADKIN.
27th	(2)	AVERY, BURKE, CALDWELL, MITCHELL, WILKES.
28th	(2)	BUNCOMBE, MADISON, McDOWELL, YANCEY.
29th	(2)	CHEROKEE, CLAY, GRAHAM, HAYWOOD, HENDERSON, JACKSON, MACON, POLK, SWAIN, TRANSYLVANIA.
30th	(1)	HOKE, ROBESON.
31st	(1)	GUILFORD (Townships of Jefferson, Sumner, High Point Census Tract 166 [Block 921], Precincts of Greensboro 3, 4, 5, 6, 7, 8, 9, 11, 19, 25, 29, 30, High Point 3, 5, 6, 7, 11, 12, 19, Jamestown 1, 2, 3).
32nd	(1)	GUILFORD (Township of Deep River, Precincts of Friendship II, Greensboro 1, 2, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 31, 33, 36, High Point 1, 2, 4, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21).
33rd	(1)	MECKLENBURG (Precincts of Charlotte 2, 11, 12, 13, 14, 15, 16, 22, 25, 27, 29, 31, 39, 41, 42, 44, 46, 52, 54, 55, 56, 60, 77, 78, 82, Long Creek 2).
34th	(1)	MECKLENBURG (Precincts of Charlotte 3, 4, 5, 23, 24, 26, 28, 30, 33, 40, 43, 45, 53, 61, 79, 80, 81, 83, 84, 89, Berryhill, Cornelius, Crab Orchard 1, 2, Davidson, Huntersville, Lemly, Long Creek 1, Mallard Creek 1, 2, Oakdell, Paw Creek 1, 2, Steel Creek 1, 2).
35th	(1)	MECKLENBURG (Precincts of Charlotte 1, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 32, 34, 35, 36, 37, 38, 47, 48, 49, 50, 51, 57, 58, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 85, 86, 88, Pineville).

SENATE RESOLUTIONS

SECOND SESSION 1990

Offered February 16, 1989 (See page 87 Senate Journal, First Session)

S.R. 191, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

Section 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the University Board of Governors through February 21, 1989. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate Committee.

3. On or after February 21, 1989, the Senate Committee shall meet and receive from members of the Committee formal proposals of candidates for nomination. A committee member may propose candidates for nomination only for the categories available for election by the Senate. In this 1989 Session, the Senate will elect:

(a) one woman for a four-year term;

(b) one member of a minority race for a four-year term; and

(c) two at-large members for four-year terms.

4. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category. The Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability.

5. There is no limit on the number of persons a Senator may propose as candidates for nomination. An individual cannot be a candidate for nomination or be nominated in more than one category. When the proposing process is closed, the Senate Committee shall list all proposed candidates for nomination by category and shall vote on each candidate proposed for nomination and listed on the Senate ballot. A vote of a majority of those members of the Senate Committee present and voting shall constitute one a nominee.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the Chairman of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged (a) by category and (b) within each category, alphabetically by surname.

3. The Senate shall hold its election at the beginning of the daily session on February 28, 1989. Before the voting begins, the President of the Senate shall explain the voting rules, which are:

(i) No nomination shall be received from the floor.

(ii) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting for his category.

(iii) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.

(iv) When a member for a category containing a single position is to be chosen and no nominee receives a majority of the votes cast for all the nominees in that category, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.

(v) When fewer than two nominees in the four-year at-large category receive the votes of a majority of all members present and voting for positions in that category, a runoff to fill the open position or positions shall be conducted among the nominees receiving the highest number of votes cast, and the number of nominees eligible to be voted on in the runoff shall be at least one greater than the number of positions to be filled.

(vi) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position on the Board of Governors.

(vii) When more than two nominees in the four-year at-large category receive the votes of a majority of all members present and voting for positions in that category, then the two nominees receiving the highest number of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following:

One person in the minority race category for a four-year term;

One woman for a four-year term; and

Two persons in the at-large category for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The Chairman of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the Chairman of the Senate Committee has determined that the Senate has chosen one member of the Board of Governors from the minority race category for a term of four years, one woman for a term of four years, and two members of the Board of Governors from the at-large category for terms of four years, the President of the Senate shall declare those four persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the Chairman of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and the category in which and term for which each of them was elected.

Sec. 2. This resolution is effective upon adoption.

Offered June 6, 1990 (See page 53)

S.R. 1566, A SENATE RESOLUTION HONORING THE STATE CAPITOL'S ARCHITECTS ON ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

Whereas, the State Capitol is one of the country's finest examples of civic architecture in the Greek Revival style and is listed as a National Historic Landmark; and

Whereas, many significant legislative and other matters in North Carolina's history have been decided in the Capitol; and

Whereas, the General Assembly was located in the Capitol for 121 years, from 1840 through 1961; and

Whereas, the Capitol has long stood as the symbol of patriotism and good government in North Carolina; and

Whereas, the Capitol's first architect, William Nichols, Jr., was replaced by the firm of Town and Davis of New York; and

Whereas, Ithiel Town (1784-1844) and Alexander Jackson Davis (1803-1892) were mostly responsible for the Capitol's present appearance and plan; and

Whereas, an Edinburg-born architect, David Paton (1801-1882) replaced Town and Davis in 1835 and was responsible for much of the Capitol's interior; and

Whereas, 1990 is the 150th anniversary of the completion of the Capitol; and

Whereas, events will be held at the Capitol in June and July 1990 to recognize the Capitol's 150-year history;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate wishes to honor the architects who designed the State Capitol.

Sec. 2. The Senate encourages all North Carolinians to commemorate the proud history of our State Capitol by participating in the following official Capitol sesquicentennial events: Video Production on the Capitol's history, June 8; Living History Drama Tours, June 9; Feast for 500, June 10; Capitol 150th Birthday Gala, June 30; and Capitol July Fourth Celebration, July 4.

Sec. 3. This resolution is effective upon adoption.

Adopted June 28, 1990 (See page 134)

S.R. 1609, A SENATE RESOLUTION HONORING THE MEN AND WOMEN WHO DIED FIGHTING FOR FREEDOM IN SOUTH AFRICA AND TO WELCOME NELSON MANDELA, A LIVING SYMBOL OF FREEDOM, ON HIS VISIT TO THE UNITED STATES.

Whereas, thousands of men, women, and children have died fighting for freedom in South Africa; and

Whereas, thousands of political prisoners remain imprisoned in South Africa and thousands of other South Africans remain exiled; and

Whereas, although some reforms against apartheid have been made in South Africa under President Frederik W. de Klerk, most forms of apartheid such as racial classifications, racially segregated residential areas, impoverished rural homelands, inferior education systems, poor medical facilities, police raids, and forced relocations still exist; and

Whereas, Nelson Mandela, Deputy President of South Africa's most visible anti-apartheid organization, the African National Congress (ANC), has emerged as a symbol for freedom and inspiration not only to black South Africans, but also to all people worldwide; and

Whereas, Nelson Mandela was released from prison after serving more than 27 years for sabotage and conspiracy against the state and has not exhibited any bitterness towards those who imprisoned him; and

Whereas, Nelson Mandela will visit 13 countries in Europe, North America, and Africa seeking greater sanctions and worldwide support against the South African government, hoping to establish a "new free, nonracial unitary, and democratic South African nation", and obtaining monetary support to aid this cause; and

Whereas, scheduling would not permit Nelson Mandela to visit North Carolina, however the Senate wishes to extend him a warm welcome on his visit to the United States; and

Whereas, Nelson Mandela's tour of the United States will include addressing the joint Houses of Congress and the United Nations General Assembly as well as visiting Atlanta, Boston, Detroit, Los Angeles, Washington, D.C., and other cities;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate wishes to honor the lives and memory of the men and women who died for freedom in South Africa.

Sec. 2. The Senate wishes to extend a warm welcome to Nelson Mandela on his visit to the United States and recognizes him for his dedication to abolishing apartheid and improving the lives of his fellow South Africans. The Senate further urges all North Carolinians to uphold their beliefs in the American principles of freedom, democracy, and civil rights by opposing apartheid.

Sec. 3. The Principal Clerk shall transmit a certified copy of this resolution to Nelson Mandela and to President Frederik W. de Klerk.

Sec. 4. This resolution is effective upon adoption.

Adopted July 19, 1990 (See page 285)

S.R. 1627, A SENATE RESOLUTION REQUESTING THE MENTAL HEALTH STUDY COMMISSION TO INVESTIGATE THE WILLIE M. CASE, AND REQUESTING THE STATE AUDITOR TO DO A SPECIAL AUDIT OF THE WILLIE M. PROGRAM AND REPORT HIS FINDINGS TO THE SENATE.

Be it resolved by the Senate:

Section 1. The Senate requests the Mental Health Study Commission to investigate the Willie M. case.

Sec. 2. The Senate requests the State Auditor to do a special audit of the Willie M. program, and report his findings to the Senate.

Sec. 3. The Principal Clerk shall send a copy of this resolution to the Mental Health Study Commission and to the State Auditor.

Sec. 4. This resolution is effective upon adoption.

EXECUTIVE ORDERS
of the
GOVERNOR OF THE STATE
OF NORTH CAROLINA
JAMES G. MARTIN

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued (to date of printing) as summarized below.

The full text of Executive Orders 106 through 123 can be found in the *Session Laws of the 1989 General Assembly, Second Session 1990.*

Executive Order	*Title*	*Date of Issuance*

106 **Extending State Employees Combined Campaign** 2/22/90

Extends the expiration date of the State Employees Combined Campaign from January 29, 1990 as set by Executive Order Number 66, to January 29, 1992.

107 **North Carolina Governor's Commission on Workforce Preparedness** 3/14/90

Establishes the North Carolina Governor's Commission on Workforce Preparedness. Upgrade the skills of existing workforce. Membership: Commissioner, Department of Labor; Superintendent, Department of Public Instruction; Secretary, Department of Administration; Secretary, Department of Economic and Community Development; Secretary, Department of Human Resources; Secretary, Department of Correction; President, North Carolina System of Community Colleges; President, University of North Carolina; Chairman, Employment Security Commission; Chairman, State Board of Education; Chairman, N.C. Job Training Council; Chairman, N.C. Business Committee for Education; Chairman, N.C. Advisory Council on Vocational Education; eight employers representing employers and population; three State Senators (Lieutenant Governor); three Representatives (Speaker of the House); and three members at large. Effective until terminated.

108 **Reestablishment of North Carolina Drug Cabinet and Rescission of Executive Orders 80, 81, and 97** 3/19/90

Reestablishes North Carolina Drug Cabinet as central agency responsible for coordination of State's anti-drug effort. Rescinds Executive Orders Number 80, 81, and 97 which established the Cabinet for purpose of developing plan to combat illegal trafficking. Membership: Lieutenant Governor; Attorney General; Superintendent, Department of Public Instruction; Secretary, Department of Administration; Secretary, Department of Correction; Secretary, Department of Crime Control and Public Safety; Secretary, Department of Economic and Community Development; Secretary, Department of Environment, Health and Natural Resources; Secretary, Department of Human Resources; and Secretary, Department of Transportation. The Lieutenant Governor shall serve as Chairman of the Cabinet. The Cabinet may establish and use existing Councils as Advisory Councils. Effective until terminated.

109 **The North Carolina Sports Development Commission** 3/29/90

Establishes North Carolina Sports Development Commission to develop, promote, and recruit sporting events, franchises, and training centers in North Carolina.

Membership consists of not less than 12 and not more than 24 members appointed by the Governor who are representatives of sports agencies and organizations, government entities, the business community or individuals with interest in sports development. Governor appoints Chairman; Members select Vice-Chairman and Secretary. Officers serve one year. All members serve at the pleasure of the Governor. Effective until March 29, 1992, unless amended or extended by Executive Order.

110 **Governor's Advisory Council on International Trade** 3/29/90

Establishes Governor's Advisory Council on International Trade. Membership: not less than nine members who are leaders in various aspects of International Trade (appointed by the Governor). Governor designates Chairman, and all members serve at the pleasure of the Governor. Duties of Council: exchange concepts in, facilitate development of, build a network of public/private interests in, assist in creating a plan for, and set specific goals and monitor the progress of international trade development. Funding through Department of Economic and Community Development. Effective until March 29, 1992, unless amended or extended by Executive Order.

111 **Amendment and Extension of Executive Order Number 45, Governor's Language Institutes Advisory Board** 4/12/90

Amends/extends Executive Order Number 45, Governor's Language Institutes Advisory Board, as extended by Executive Order Number 93. Duties: oversee planning and operation of the Governor's Language Institutes, select an external consultant to recommend curriculum, instructors, location of institutes, and sources of support; select full-time Executive Director; establish guidelines for participation by non-public school teachers. Expires two years from date of signing; subject to reissuance at expiration.

112 **Restructuring and Reestablishing Governor's Advisory Commission on Travel and Tourism** 4/12/90

Restructures/re-establishes Governor's Advisory Commission on Travel and Tourism originally established by Executive Order Number 8, as extended and reissued by Executive Orders Number 51 and 93. Membership: consists of not less than the following 16 members: Director, North Carolina Division of Travel and Tourism (Ex-Officio), two Senators knowledgeable of travel and tourism matters appointed by President of the Senate; two Representatives knowledgeable of travel and tourism matters appointed by Speaker of the House of Representatives; and the following members appointed by the Governor: one member associated with transportation industry; one member associated with food service industry; one member associated with lodging industry; two at-large members with an interest in travel and tourism industry; one member associated with a local Chamber of Commerce tourism development authority, or convention and visitors bureau; one member associated with municipal government; one member associated with the Travel Council of North Carolina, Inc.; one member associated with parks and recreation or cultural resources; one member knowledgeable of environmental impact of travel and tourism; and one member associated with county government. Members serve at the pleasure of the appointive authority. Duties and powers of the Commission: assist Department of Economic and Community Development to plan and implement promotion and development of travel and tourism in the State; Assist in developing budget, recommend programs to Governor, General Assembly, and Secretary of the Department of Economic and Community Development; promote travel and tourism. This Order rescinds Executive Order Number 8 and portions of Executive Orders Number 51 and 93 that relate to Travel and Tourism. Effective until January 1, 1992.

113 **Committee on Governor's Conference on Library and Information Services** 4/20/90

Establishes North Carolina Governor's Conference on Library and Information Services Committee. Membership: forty persons appointed by and serving at the pleasure of the Governor. Purpose of Committee: hold conferences (nine regional and one Statewide) to develop recommendations for the improvement of library and information services to increase productivity, expand literacy, and strengthen democracy. The Department of Cultural Resources Division of the State Library is coordinating agency for planning and conducting events of Committee. Expires July 13, 1991.

114 **Budget Administration** 5/8/90

Directs the Office of State Budget and Management to insure the State does not incur a deficit for the biennium to reduce expenditures to operate State departments/institutions; reduce funds to the State Board of Education, State Board of Community Colleges, and to other non-state recipients; halt expenditures for capital improvements not under State contract and transfer unused funds to the General Fund or the Highway Fund; transfer or borrow from any non-General Fund and non-Highway Fund receipts for support of General Fund appropriation expenditures; cancel purchase orders in General Fund supported departments/institutions for insufficient funds. The Office of State Controller under the direction of the Director of the Budget shall monitor disbursements with priority for payment: (1) State debt; (2) payrolls/public assistance benefits; (3) state aid to local governments; (4) health/medical provider payments; and (5) all other necessary expenditures. The Office of State Controller shall place employer contributions for all state retirement systems in special reserve established by Office of State Budget and Management. Effective immediately and remain in effect until terminated or amended by Executive Order.

115 **Amending Executive Order Number 92, Western North Carolina Environmental Council** 5/22/90

Amends Executive Order Number 92, Sections 3 and 9 in part, as follows: "...the Departments of Administration, Economic and Community Development, Environment, Health and Natural Resources, and Transportation...." to reflect reorganization of Departments.

116 **Amend/Extend Executive Order Number 78, Governor's Task Force on Injury Prevention** 5/22/90

Extended through November 1, 1992.

117 **Amending Executive Order Number 108 to Include the Secretary of the Department of Revenue in the Membership of the North Carolina Drug Cabinet** 5/30/90

Amends Executive Order Number 108, Section 2(a) by adding the Secretary of the Department of Revenue to the membership of the Cabinet.

118 **Extending Executive Order Number 79, North Carolina Small Business Council** 6/12/90

Extends Executive Order Number 79, North Carolina Small Business Council, as amended by Executive Order Number 84, to remain in effect until June 30, 1992 unless terminated earlier or extended by further Executive Order.

119 **Establishing the North Carolina Quality Leadership Awards Council** 6/18/90

Establishes North Carolina Quality Leadership Awards Council with subordinate committees: Examination Board, Recognition Committee, and other committees the Council shall create. Membership: not more than twenty members, as follows: Secretary, Economic and Community Development; President, University of North

Carolina System; President, Community College System; Science Advisor to the Governor; member recommended by the Lieutenant Governor; member recommended by the Speaker of the House of Representatives; President, North Carolina Citizens for Business and Industry; President, North Carolina Quality Leadership (NCQL) Foundation; and no more than twelve ranking officials of Award recipient organizations, Terms: three years starting with year subsequent to winning Award. Governor serves as honorary Chairman. Vacancies filled by the Governor. Purpose of Council: enhance education and training of management and workforce; improve competitiveness of North Carolina business and industry; encourage exchange of information through regional councils and industry associations and; promote total quality management in North Carolina organizations.

120 **Eligibility/Coastal Resources Commission** 6/28/90

Promulgates criteria for Governor's appointees to Coastal Resources Commission pursuant to G.S. 113A-104(c). Effective immediately.

121 **Governor's Minority, Female and Disabled-Owned Businesses Construction Contractors Advisory Committee.** 7/11/90

Establishes Committee. Purpose: Technical advisory committee to Governor for increasing opportunity to participate in the construction of public facilities of cited businesses. Membership of 15 members appointed/serving at the pleasure of the Governor, as follows: 5 recommended by Association of General Contractors; 5 recommended by North Carolina Association of Minority Businesses; and 5 at-large. Governor appoints chairman; administrative support from Governor's Special Assistant for Minority Affairs; directs quarterly report. Effective July 11, 1990.

122 **Establishing the Governor's Council of Fiscal Advisors** 7/17/90

Establishes Council. Membership: State Treasurer; State Auditor; Executive Assistant to Governor, Budget and Management; Secretary, Department of Revenue; State Controller, and Governor's General Counsel. Purpose: Consider/Advise Governor concerning fiscal affairs of State. Mandates participation by members and opens meetings to Chief of Staff of the Governor, Deputy Director of the Budget, designee of Lieutenant Governor, and Director of Fiscal Research (or designee) of the North Carolina General Assembly. Invites members to meeting of Advisory Budget Commission and Council of State. Effective immediately; terminates upon order of Governor Martin or his successor.

123 **Uniform Floodplain Management Policy** 7/24/90

Rescinds Executive Order 31 (February 1, 1979). Establishes Uniform Floodplain Management Policy reflecting revisions made in 44 C.F.R. Chapter 1, Parts 59 through 77 (1989), in accordance with the National Flood Insurance Program (42 U.S.C. 4001-4128); administered by the Department of Administration. Effective immediately.

June 21, 1990 (See page 107)

1990 MESSAGE TO THE JOINT SESSION NORTH CAROLINA GENERAL ASSEMBLY GOVERNOR JAMES G. MARTIN

June 21, 1990

Lieutenant Governor Gardner, Speaker Mavretic, Members of the North Carolina General Assembly.

I am here at your kind invitation, to present a message regarding the condition of the State budget, along with my recommendations. It is highly unusual for a governor to make such an address, but you have recognized the highly unusual circumstances of the historic challenge we face. Even with a $400 million increase in State revenue this year, it is not enough to fund almost a billion dollars in new appropriations; so we must face the difficult task of amending this year's budget and the one for the second year of the biennium, which begins on July 1st. Furthermore, we must face the consequences of the impact of our decisions, past and present, on future years.

I believe it will help to focus attention on what I have to say if I first tell you what my conclusions are, and then you can keep that in mind as I review the basis for my recommendations. That way, you will not be wondering where each argument is going to lead. Since everyone has a personal opinion on how to solve the problems, and since there is considerable disagreement on what to do, it is likely that what I propose will contain some disappointment for everyone.

I only ask you not to judge the specific proposals until you hear my reasons for them.

Because I am convinced that both measures are necessary and unavoidable, I am proposing both a tax increase and major cuts in spending. A one cent sales tax increase, effective in July, 1991, is unavoidable, as I will show you. And without real cuts in spending, of 3 percent as the Senate has adopted, even greater tax increases would be needed. Therefore, I propose to you a sales tax increase for the next biennium; and, for the coming fiscal year 1990-1991, enactment of something equivalent to the Senate bill, which in its present form requires no new taxes for now.

Ever since the adoption of the budget last August, on the advice of my Budget Office, I have taken executive actions to restrain spending, at first by a modified freeze on vacant, so-called non-critical positions, beginning with all departments except public schools and community colleges. Then, as revenue collections progressively weakened, I took steps progressively to tighten down on spending, with the cooperation of everyone, except some few public school leaders, who reacted instead by trying to generate firm resistance against any economy measures for school administrators.

Article III, Section 5, Subsection (3) of the North Carolina Constitution obligates me to maintain a balanced budget, with language that defines balance in terms of cash accounting. Regardless of how the problem occurred, and regardless of who was at fault, here was my obligation. It directs me as follows:

"To insure that the State does not incur a deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures...whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures."

And that's what I have done. The Constitution does not obligate me to clean up only my own mess, but to take action regardless of the cause whenever expenditures are likely to exceed combined receipts and the balance carried over from the prior budget period.

There were not attractive options; only unattractive ones from which to choose. There were no permanent solutions which I was authorized to take; you need to understand that — only temporary halts to spending authority. There were not many suggestions, frankly; but to those of you who commiserated, and encouraged me to do what I had to do to cut spending $550 million, I offer my thanks.

On May 10, I presented to the Advisory Budget Commission a plan for spending reductions for this fiscal year (which ends this month) as well as for fiscal 1990-91. That plan was based on consensus revenue estimates, showing that this year's revenues would be $550 million below the amount budgeted, while next year's would be $336 million lower than adopted last August for fiscal 1990-91.

I am pleased to note that in your work you have retained this concept of consensus revenue estimates.

Since that time, I and all our department heads have been working with you to achieve three objectives:

1) to ensure that actual current expenditures not exceed the combined receipts and carry-over from last year, which cash balance is required by the State Constitution;

2) to pass H.B. 2377 to balance the financial statement for this fiscal year, including accrued liabilities (this being one of the key factors on which preservation of our AAA credit rating might well depend);

3) to amend line-item appropriations levels for next year, not to exceed the consensus revenue estimates now expected for fiscal 1990-91, and to accommodate new spending for education, health and corrections.

A great deal of legislative work has gone into meeting this challenge, but there is not agreement yet as to the final form and content of the budget changes. Some insist firmly that the budget be balanced entirely by means of spending cuts, with no tax increase of any kind; while others insist just as firmly that a major tax increase be a large part of the preferred solution. While both positions are politically courageous, because there's a political risk both in cutting popular programs and in raising taxes, there is not yet a majority to go either way, **and we're running out of time.** It is very important that an amended budget be enacted by June 30, or soon thereafter. In order to help move this process along to conclusion, I have decided to throw my support behind the bill which has just passed the Senate. Let me tell you why.

When officials from Standard and Poor's and Moody's credit rating offices visited Raleigh earlier this month to review our budget situation, that highlighted the critical nature of our challenge. Both indicated that they were less concerned about the size of the revenue shortfall in North Carolina, or how it got there. That is a very important point: those considerations have not cost us our lofty credit rating. What concerns them is whether we have the will and the cooperative spirit to fix it.

While Moody's has since advised us that they expect our budget problems to be resolved, and that they would continue our triple-A rating until their review of our legislative action is completed, Standard and Poor's has placed our State on its CreditWatch list. This gives formal 90-day notice to the bond markets of their concerns.

It cannot be overemphasized how serious this is. On average, of all the organizations which have been placed on CreditWatch, 90 percent of them have been downgraded. Meanwhile, a deep re-examination of major financial institutions is underway. Of the 25 largest banks in America, 14 have been recently downgraded, some by two or more notches.

In subsequent telephone conversations with officials from Standard and Poor's, I have been assured that once they are satisfied that we have adopted "permanent"

solutions to the budget, we can be taken off of the CreditWatch list just as swiftly as we were put on. The factor that I must emphasize—because their emphasis of it was so firm and clear, is that our budget solutions must be **permanent**.

Whatever the choices we make to achieve a re-balanced budget for fiscal 1990-91, whether spending cuts, or tax increases, or some combination of both, they must not rely on one-time measures.

They have declined, I think properly so, to write a prescription for how we solve the problem. Rightly so, I think, for they should not substitute their views for yours in setting goals and policies, other than to evaluate whether the budget and its process are fiscally sound. They are not the General Assembly. They will not give us a prior written approval of selected features which might be incorporated into an approved budget, since those features in an otherwise defective budget would not save our credit rating. They expect the General Assembly to decide on policies needed to strengthen North Carolina's economic vitality, to decide how much we can afford to spend, and then to match up the two in a permanent way.

Neither will they get specific in advance with what will be acceptable on our present timetables for the Basic Education Plan, the network of 4-lane highways in the Highway Trust Fund, or Senate Bill 2, the educational reform placing greater control and accountability with local schools. Their position is that legislative judgment must prevail as to what our goals are to be, including schedules for completion. They have and will not decide those goals for us, but will judge us on whether our funding is realistic.

If we have set too many expensive goals for the available revenue flow, then they expect us either to raise taxes to pay for them, or realign our timetables more in keeping with reality.

I and my financial advisors—I am happy to see gathered here today—interpret that to mean that once a long-term commitment was made to boost State funding for local schools by $800 million over and above adjustments for inflation, it is our responsibility to review that from time to time, to adjust the timetable if necessary, and to revise the detailed formulas as desired; but that it would be a sign of weak character and commitment if we abandon such a goal entirely under stress, especially under stress. School improvements are vital to the economic future of any state, and our determination to reach our goals on a realistic schedule will reflect our worthiness for the highest, most pristine credit rating.

Consider with me what features are needed to achieve the status of being "permanent" solutions. First, the budget must be balanced not only on a cash basis, as required by our Constitution, but must be balanced while including any accrued liabilities. One timely example to illustrate this distinction is the decision I have announced to delay this month's paychecks from the last working day of June to the first working day of July, which is in the next fiscal year. That does have the effect of reducing cash outlays in this current fiscal year by $170 million, which helps to meet the cash accounting standard of the Constitution. It does not, however, balance our financial statement, because the $170 million in reduced spending in this fiscal year is matched by a $170 million increase in the accrued liability (namely, the liability to meet that payroll on July 1, in the next fiscal year).

Delaying the June payday until July does not affect the financial statement at all, on balance. It does not hurt it or help it. By itself, the delayed payday does not affect our credit rating, just as long as we also make changes that will balance the financial statement. Only the General Assembly can make those changes. The change which I have made will not help correct the financial statement, but was intended solely to meet the Constitutional requirement that "total expenditures...not exceed the total of receipts...and the surplus remaining in the State Treasury at the beginning of the period." Remember that we have that obligation regardless of whether we can also

balance the financial statement including accrued liabilities. Fortunately, the action taken earlier this week to enact the accounting amendments in H.B. 2377 takes the remaining necessary steps to balance the financial statement for 1989-90.

The second standard we must meet in order for our budget to be "permanently" balanced is that **recurring expenditures** must be covered by **recurring revenues**. It is essential that this be clearly understood and honored. Another way of saying that is: there must be sufficient revenues from permanent sources to cover all expenditures that continue into subsequent years. One-time, "windfall," that is non-recurring revenues must be used only for non-recurring expenses, like capital projects. Part of the problem we face is that we have strayed from that standard under pressure to increase salaries and program spending without raising taxes to pay for it, and now we must restore the discipline of using non-recurring revenues only for non-recurring expenses.

These, then, are the two standards by which we will be judged as to the permanence of our balanced budget solutions: 1) the financial statement (with its accrued liabilities) must also be balanced as well as cash flow, and 2) recurring expenses must not be funded with non-recurring revenues. If we restore those two standards, I am confident that our AAA credit rating will deserve to be reaffirmed. If our solutions are of lesser quality, we might receive a **good** credit rating, as good as most states, but we will lose our distinction of having earned the highest, most pristine credit rating.

Even if we did not intend to sell bonds for any capital projects, the loss of our triple-A credit rating would be a severe loss to North Carolina. It would injure the reputation for sound fiscal policies that has attracted many large employers to consider locating new facilities here. It would have the side-effect of undercutting the reputations of the cities and counties whose own credit ratings reflect their status as subdivisions of North Carolina. And it would erode the value and marketability of our outstanding bonds presently held by individuals and foundations (who acquired them in reliance on our fiscal reputation).

The measures available to me as Governor are not permanent. I have the authority to reduce spending levels by freezing vacancies, halting construction projects before the contracts are awarded, delaying purchases, and the like. But such administrative measures do not change the levels of authorized spending in any permanent way.

If you were to adjourn without action on the budget amendments, in theory I could then proceed to reorganize government in ways that might produce some permanent savings, but that would not reassure bond rating agencies that North Carolina was serious about the kind of fiscal policies worthy of a triple-A rating. I can order reductions in the amounts disbursed to any departments, and have indicated to you that I will do so to make temporary savings if a permanently balanced budget is not enacted by June 30; but permanent solutions must be made by the General Assembly if they are to be accepted as credibly permanent.

Now that I have explained the necessity for long-term, permanent budget solutions, let me turn to specifics. It is possible for these standards to be met either by a) cutting program spending to the level of available revenues, or b) by raising sufficient taxes to cover the level of spending adopted last August, or a combination of both. The Senate bill comes very close to achieving the goal, while relying entirely on spending cuts. It gives me authority, if needed, to make another $42.5 million in real cuts, by providing a "Negative Reserve" whereby I can reduce the Base Budget by that amount. It would be a great help, and I think would be well received by State employees for you to pass a spending bill providing a window of opportunity for early retirement for those with 28 years of service. But only when we know how much it would save would I then decide on additional cuts.

What I now propose to you, from the context of where we stand, is to begin with the Senate approach or something like it, making cuts on the order of 3 percent in all

departments. I had earlier advocated that level of cuts to be administered by department heads who would be given management flexibility to get the job done. That was dropped in deference to your wish to retain responsibility for specific cuts.

But it would be, or very close to, a serious mistake, in my view, for you not to order at least the Senate level of spending cuts. For one thing, the credibility of our case for tax increases depends on our ability to show that we have cut spending as much as possible. Based on the work done in the Senate bill, it would be difficult to argue that maximum spending cuts had been achieved if we accept less than the Senate's reductions. At this point, the Senate bill has been properly repaired to eliminate $30.2 million that was earlier being shifted over onto local governments.

So, I recommend that we start with the cuts in the Senate bill. That means that we get close to that level of spending reductions. Some will argue that no cuts be made in public school appropriations, but I believe that before we raise taxes in this election year, we should show that the non-instructional bureaucracies in education are not insulated from the economies we order. After all, that's where most of the growth in school spending has occurred, most of it in the administrative hierarchy, with lesser amounts in teaching positions. The Basic Education Plan was scheduled to grow by an additional $116 million next year, but that was based on the erroneous assumption that this would be affordable from growth in revenues, which has not turned out to be the case.

Fortunately, there is a way for you to allow a major improvement in public schools without a major tax increase until the next session. If you increase the local control and flexibility in the management of our schools, local superintendents will be able to achieve better results than if you just insist on adding specific positions in the Basic Education Plan's six-year-old formula.

I would recommend, then, that as you slow down the growth of funding mainly for non-teaching positions in the B.E.P., that you again consider the advantages of giving local school systems greater flexibility in allocating the positions that they do receive. When S.B.2 was enacted, local boards were given encouragement to seek waivers of laws and regulations if they could show the State Board of Education how those waivers would help them achieve the goals they set for student improvement.

For some reason, the B.E.P. was specifically exempted from that flexibility of S.B.2, thus **requiring** local schools to employ precisely the mix of positions prescribed in the B.E.P., with no adjustment for local needs that might differ from the B.E.P. formula. If you will now amend that law to extend local control over the positions allocated from the Basic Education Plan, I believe local boards can do more to improve student performance with flexibility over the positions already allocated than if required to stay locked into a prescribed pattern of staffing which bears little relation to their local needs.

If one school system needs more guidance counselors, social workers, and psychologists to deal with an unusually severe dropout problem, they should have the flexibility to exchange some of their allocated positions accordingly. If another school system has a very low dropout rate, they ought not to be required to hire the statewide average of such positions, but should be given flexibility to exchange some of those positions they don't need for other positions they decide they do need. A school system with a higher than average number of college bound students would probably need a higher than average number of math, science, history language, and advanced placement courses.

It should not be required that every school system be locked in to the same rigid formula based on some average statewide need. The typical school is not average. All you have to do is remove the exemption excluding B.E.P. allocations from the

School Flexibility and Accountability Act, S.B.2, and depend on local boards and superintendents to get the most out of their total number of positions.

For the past 5 years, we have steadily budgeted increasing percentages of the General Fund for public schools. You have, and I have. That has gone unnoticed by educators and editorialists, but it never happened before. We can and should continue that pattern, even if we order some reduction in the rate of growth for schools. With everybody else being cut 3 percent in the Senate bill, schools will have to take only 2.4 percent. Schools have in fact become, and must remain, our number one priority, but they're not our **only** priority. We have other needs, too, in corrections, environmental protection, higher education, health, law enforcement, etc., and these other departments cannot be expected to be the only ones to economize. If they must tighten up their administrative overhead, the schools can certainly follow the same example to a lesser extent.

And why not? The argument that schools can only be improved by laying on ever greater infusions of money and bureaucracy is clearly a fallacy. It should be obvious by now that adding another $116 million will only expand the variety, but will not improve the performance of our schools. Had that argument been true, our schools would have shown more improvement by now. Let's not lose sight of the fact that we have seen some improvement in dropout rates, and in C.A.T. if not S.A.T. scores.

But after having increased funding for schools by $1.2 billion over the last ten years, it would be ridiculous to contend that no real progress will be possible unless and until another $355 million is added on a strict timetable of 3 more years. No, my advice to my fellow educators is, if you want to help sustain momentum to keep B.E.P. on schedule, maybe you ought to show more appreciation for what has been provided so far, exceeding any other state in relative terms; and maybe show more results.

Some have argued that we should not cut public schools at all, but should only cut departments which have been inefficient. Public schools are the only departmental function of State government which have not had to tighten spending practices or administrative costs in recent years. In fact, that's where most of the growth in management positions has gone. It's time, then, to ask school administrators to do what others in government have been willing to do: to reorganize with leaner, more responsive management. And if you will grant them the flexibility to realign B.E.P. positions to fit their local needs, they, and we, and the taxpayers will all come out ahead. And so will our students.

You have under consideration a bill to grant a much higher degree of management flexibility to the University of North Carolina. I would strongly encourage passage of this measure. Again, we would expect to get much more mileage from the talented Chancellors who head up these institutions. And the same would be expected form our local school superintendents if we will give them more flexibility over the B.E.P. Now, let me turn, painfully, to the issue of tax increases.

When the budget for the next biennium is considered, when you return in January, we will face another major challenge in the General Fund. For one thing, we will have to confront the end of the two-year diversion of Highway Trust Fund moneys to the General Fund. That will no longer be available. What then? Fortunately, the Senate bill has already faced up to half of the problem that was created last August, by reducing the General Fund spending levels to correct for the money that isn't there in fiscal 1990-91. That $94 million has to be cut out before the next biennium because it's not there, leaving another $92 million to be found when you meet in January.

Add to that the remaining expansion of B.E.P. and S.B.2, and that's another $152 million in 1991-92, rising to $520 million in four years. Then we have to anticipate covering the rising cost of health insurance, on top of at least cost-of-living pay raises. If we do what we have to do for prison expansion that will kick in at only $47

million in 1991-92, and rise to $142 million. Unless you really think the General Assembly is going to dodge most of these responsibilities, or somehow find another 6 percent across-the-board cuts on top of what the Senate has already proposed and what I propose, then we're looking at $500 million a year more than we would have available to spend without a tax increase.

And just as it is essential to put school needs and Medicaid and prison needs on the table as we approach the next long legislative session, I recommend strongly that we also put alongside them the needs for improving services of our vital Community College system. This will be our key asset for meeting the educational needs of that half of our young people who go to work after high school.

My Commission on Workforce Preparedness will be recommending to us in November how best to strengthen this resource, by expanding the training programs for expanding existing businesses, and by going statewide with the "TechPrep" collaborations between high schools and community colleges. Let's be ready in 1991 to make the most of that.

I hope I have made clear that the problem just described for the next biennium is **not** the result of postponement from this year. It's primarily a recognition of new requirements coming just over the horizon, having little to do with this biennium. That's one reason we must resist raising major taxes well before they are actually needed. That would only put that revenue in play too soon, with an irresistible temptation to spend it right away. Then it's gone. Then we will still have to face the same future budget problem, after having already spent one big tax increase, and with little room or will left for another. Then we would be in a bigger fiscal mess then we have now.

It is important for us to face up to these consequences now, rather than ignore the long-term effects. It is essential that as you go into the election campaigns this Fall, you know and understand that after the General Assembly has cut spending as far as is practical, there will **still** be a need for another $500 million a year to start the next biennium. Your opponents may not know it, but you and I know it. You might disagree as to whether you **favor** more cuts; but if you can enact the level of cuts in the Senate bill, and no more, there will remain no room for disagreement as to whether substantially more cuts will be made.

We have cut administrative costs almost every year I've been here. With the guidance of the Efficiency Study Commission, we saved $120 million. Each biennium, we've cut out many vacant positions. Again this year, we will have cut $262 million out of the Base Budget continuation for next year.

Yet, after all this we will still have to provide for anticipated cost increases of another $500 million a year. The only way to raise that kind of money without injuring the economic health of the State is to raise the sales tax one cent for items already covered by the full five cents, producing $529 million in 1991-92.

Some like to argue instead for an increase in personal income taxes. The problem with that is that those who pay the income tax already got a big increase last year, because 700,000 other taxpayers got excluded from having to pay income taxes. Even so, North Carolina raises more income tax *per capita*, on a basis of the total population, than all but 7 other states. We're also in the top ten states in the total corporate income taxes raised per capita, and that, too, just got raised two years ago. So neither of those income taxes should take another hit for $500 million, unless you want to salvage the competitiveness of manufacturers here, in the number one state with the highest percentage of the workforce in manufacturing of all 50 states.

The current 5 percent sales tax, however, is not among the top ten states. While it is regressive, with lower income taxpayers paying a relatively higher fraction of income

for retail purchases, it should be remembered that 700,000 lower income workers were relieved of any income tax just last year.

And those with lowest income no longer have to pay sales tax on food stamps. So I conclude that the sales tax is the fairest way of all for us to raise $500 million.

At least, let's be sure we get something for our money.

Now comes the hard part. What do we do about it. Many of you made solemn promises not to vote for a tax increase this year. It is an election year. But most of you have also taken an honest position of acknowledging that a tax increase will have to be passed next year.

The safest thing to do, facing review by Standard and Poor's and Moody's, is to vote now for the tax increase to take effect next year. But the worst thing to do would be to have it voted down now. If we wait until next session, we will still be vulnerable to a downgraded credit rating, unless we can take credible action to prove the character of our intentions. Is that possible?

There is a bill being introduced today by the Chairman of the Senate Appropriations Committee, while will state your resolution of intent to increase the sales tax by one-cent early in the next session. It would show future anticipated expenditure growth that is not included in the amended budget for 1990-91, along with the consensus estimate of revenue growth (so that there will be no disagreement again on that subject). It will show that the sales tax is needed, because of requirements that go beyond what is required in fiscal 1990-91.

If it is not possible to enact a future tax increase until the time comes that it is needed, then I hope you will give this resolution of intent the strongest possible endorsement, including bipartisan support, to undergird its credibility. Then I will do the best I can, with my financial advisors, to persuade the bond rating houses that you are with me in a commitment to the future.

We can get no guarantee in advance. That is not their way. The only way to assure that we keep that triple-A rating would be adopt the tax increase now, this session. However, ironically, the only way to assure that we lose that vaunted rating would be to defeat the needed tax increase, which is likely to happen if we prematurely force it to a vote before it is actually needed.

Although we have raised taxes as needed in the past five years, sales taxes, individual income taxes, corporate income taxes, gasoline taxes—you name it. But we have never had to raise a tax over a year before it was needed. Not in 30 years of the highest rating has such a politically indefensible move been demanded of us. I will try my best to show the bond rating houses that our fiscal policy is still as strong as it ever was, if you will at least give me the strongest possible endorsement in passing this resolution of intent, and clear up any misperception about the future fiscal picture.

For those who continue to bemoan the responsibility we have to tighten our belts before we raise taxes, those who have never yet shown the slightest appreciation for what we've done, let me ask them to look at how far we've gone, let me ask them to look at how far we've come in five years.

Look at what we've done already to strengthen school funding as a percentage of the budget, and in real dollars over inflation! Look at what we've done to add $450 million so far in the B.E.P., even in the tightest budget years! Look at what we have insisted on doing with Senate Bill 2, to require better results for all these unappreciated appropriations that have gone to schools: to start getting something for our money.

Look at what we've done to raise taxes for a magnificent boost in highway construction, rivaling the combined total of every previous legislature and governor—

combined! Look at what that will do to open every community to share the blessings of economic development!

Look at what we have done together to save our prison system from federal courts throwing open the doors because of overcrowding! Look at what we will do to increase our prison capacity to contain the rising tide of dangerous criminals—and make them spend more time in prison and less time in our homes and neighborhoods!

Look at what we've done to tighten our administrative belts, so that other than education, health, and corrections, there has been very little growth in administrative costs of general government! And, look at what we've done in 1989 to unfreeze the salary schedule for our teachers that was frozen in 1982, while providing justifiable pay increases for school and state employees, which we're retaining even in the pressure of this greatest revenue shortfall we've ever seen! And look at what we're going to do to establish a $140 million permanent reserve for major emergencies, later rising to $200 million; a "rainy day fund" to safeguard against future shortfalls.

Look at what we've done! And look at what we're doing!

Is it too much to ask some recognition for the fact that right here in North Carolina, over the last seven years, we have increased total expenditures (state and local) on a *per capita* basis by 60 percent, most of that coming in the last five years, and most of it for public schools? Friends, only four other states have done more. Isn't it time for somebody to say "thank you?" And isn't it time for us to begin to expect better results?

Today, I have recommended to you that there is a need for a major tax increase, but in 1991-92, not in 1990-92, our most immediate fiscal year. I have recommended that you move rather promptly to balance fiscal 1990-91 as the Senate has done, realizing that there will be some justifiable differences in details of the House version, but with the realization that it can be achieved with permanent cuts in levels of spending that never should have been so high if the real revenue growth had been forecast accurately. If instead of spending cuts for fiscal 1990-91, you were to use tax increases to balance that second year of this current biennium, you would still have to face another big tax increase next January. But by relying primarily on spending cuts for the fiscal year beginning next week, we can show that a tax increase is clearly a last resort, not at first.

I do understand that the House is reluctant to accept some cuts, and may be able to find alternative areas for savings to take to conference. Should you be unable to agree on such savings, and find that you have to rely on a modest tax increase in the coming year, then I have no objection to that, but urge you to do so promptly so we can go to conference.

Maybe now it can be seen that this tax increase should have been enacted last year, but my purpose is not to say, "I told you so," but rather to help build bipartisan support for what will need to be done. And to give me ammunition with which to reassure Moody's and Standard and Poor's of the clarity of our intentions, I am asking you to enact a resolution of intent to adopt that sales tax increase next year, in timely fashion to fund the needs that are not a part of this biennium, but will need attention in the next.

This is not easy medicine, but with your favorable response, I believe that we can not only meet the needs of North Carolina, but also deserve the confidence of those whose judgment is valued so highly in evaluating credit worthiness. The problem is real, and it is serious. Let's work together, without rancor, and without panic, and do what we must do to fix it.

Thank you for your attention, and for what you do for North Carolina.

June 26, 1990 (See page 119)

PRESENTATION TO SENATOR ROBERT S. SWAIN

Senator Barnes requests permission to approach the Well of the Senate and requests the Sergeant-at-Arms to escort Senator Swain to the Well of the Senate for a short presentation, which motion prevails.

The Chair recognizes Senator Barnes who makes the presentation, as follows:

Senator Swain, you've been—you are such a joy to serve with. Always when you are recognized by the Lieutenant Governor with privileges of the floor, we never know what is coming up next. On occasions you fly with wings of eagles and then in the very next moment, you're walking with the Plott Hounds of the world. I want you to know that we considered a little gift, in honor of tomorrow, from the Senate and there was a suggestion that since you also flew with wings of eagles and loved to fly that we should get a P-40 in there with your picture on it.

(Senator Barnes presents Senator Swain a framed water color. (see p. 119)

But, to the times when you bring a lot of humor to us and make this a most enjoyable occasion, some of those airplanes, you will notice, are flying upside down. That is to cover the times when you decided that you would like to get a little levity in this Body, and we appreciate that. We've also got for you a set of golf clubs for you to play with tomorrow and to remember this Senate, and we would appreciate you accepting those with our thanks and congratulations for making this a pleasant place to serve in.

The Chair recognizes Senator Swain who responds, as follows:

What does a man say? Of course, I am overwhelmed, and I haven't done anything that any of you wouldn't and don't do better. I am most grateful for your kindness and that's all it is—just good brotherhood and a few sisters. But, this is a place where I look forward to being with you as long as the Lord will let me, and the voters; and I just want to thank you so much. I don't know what to say. I'm grateful for your friendship and everything that has happened.

Of course, that airplane thing there, that's a pretty good likeness of somebody I know and that does look like one of those old airplanes I tore up. Let me tell you about that one time. One time—go on and be at ease—but, I was flying a P-51 and somebody shot me down, it wasn't one of our friends. But, it was a low-level, strafing mission, and I had to crash land, and I tore the airplane up. It was what we know, Russell, as a Class 26, and you know what that is. And I was fortunate in being able to walk away from it. I had to rest a few days from it, and when I came to, there's this little Lieutenant came over, you could tell he was kinda new at it, but, he wanted to know why it was that I'd torn up the United States airplane, and they were wanting to charge me for it. I told him it wasn't voluntary, didn't do it because I wanted to, but, and I didn't blame the airplane's builder for it.

But, I do thank you for these nice gifts, and you have no idea how touched I am. These expressions—I hope every one of you has this chance to be honored and I just don't know what else to say except thank you from the very depth of my heart. And I didn't mean to talk so long, but God bless all of you and thank you.

The Chair recognizes Senator Barker on a point of personal privilege, who addresses the Senate, as follows:

Mr. President and members of the Senate, I don't know if ya'll remember what you were doing on May 30, 1945. I was a little boy about one year old probably playing in a mud puddle out in front of my Daddy's house in Oriental. But I know where First Lieutenant Robert S. Swain was on that day and what he was doing.

Because by direction of the President of the United States and by command of General Kinney, First Lieutenant Robert S. Swain was awarded the Distinguished Flying

Cross, on that day, for extraordinary achievement while participating in aerial flights over Luzon, Philippine Islands. Lieutenant Swain piloted the lead plane of two F-6 aircraft on an armed visual and photographic recon mission in support of Philippine gorilla forces in the Cagayan River Valley of Luzon. Although his vision was obscured by rain, difficult terrain, and heavy foliage, he located 15 to 20 well-concealed enemy gunning placements along the shore of the river, reported them to the ground controller, and then lead a series of low altitude strafing attacks. Having knocked out an anti-aircraft position, he scored numerous hits on the shoreline gunning placements and destroyed a camouflaged enemy plane in the nearby airdrome disbursal area. He exploded stores of ammunition and set fire to a building next to the ammunition storage area, made a series of excellent photographs of the area, as well. The next day Lieutenant Swain flew in an eight-plane formation of F-6 aircraft, low altitude arm recon. Upon reaching the target area, the formation encountered a solid overcast at 3000 feet, causing extremely poor visibility. While the other six members of the flight provided protective cover, Lieutenant Swain destroyed an enemy staff car, set fire to and damaged a narrow gauged railroad train and all twenty cars, strafed and destroyed two loaded trucks and a bus, and together with the remainder of the flight, in the face of intense anti-aircraft fire, completely demolished an enemy radar station. In addition to inflicting this damage, Lieutenant Swain returned valuable sightings and low-altitude oblique photographs which materially aided in the planning of future strikes in the area.

The outstanding courage and devotion of duty displayed by Lieutenant Swain during these flights are in keeping with the highest traditions of the United States Army Air Forces. Thank you.

The Chair recognizes Senator Swain who responds, as follows:

These old things, they were a long time ago. To be reminded of them—of course, at the time they weren't very dern pleasant, but you do what you're required to do. You do it to your best, and all I have to say is I do thank you for thinking that it was something heroic. It wasn't, it was just doing what you're told, what your duty requires. And that's what we're all doing here every day, and in the face of bad politics, and everything else. Everyone of us, every day, dares the devil, and some of us are lucky. Thank you.

The Chair recognizes Senator Harris on a point of personal privilege who addresses the Senate, as follows:

Let me say that during World War II, unluckily, I happened to be in Bastogne, Belgium. If you remember, December 16 is when the Germans started their offensive and for fourteen days, practically, there was absolutely no sunshine, it was foggy, it was eight below zero, and, believe it or not, we foot soldiers who remembered the Air Corps boys with there white handkerchiefs on and well-dressed, when we hadn't shaved in about two weeks, we were just really thinking about the Air Corps. But let me say this, on December 27, even on Christmas Day General Patton prayed for fair weather; and on December 27, about 3000 planes came over Bastogne and dropped bombs, and absolutely annihilated the German supply line. Thank God for the Air Corps and men like you.

NOTIFICATION OF DEATH AND EULOGY SENATOR ROBERT STRINGFIELD SWAIN

The Office of the Principal Clerk of the Senate was notified of the death on August 19 of Senator Robert S. Swain. The President Pro Tempore of the Senate designates as the official delegation representing the Senate all members who can attend the

funeral of Senator Swain. The following members attend: Senators Barnes, Bryan, Carpenter, Conder, Daniel, Goldston, Harris, Hunt of Durham, Plyler, Rauch, Raynor, Sherron, and Winner. The Speaker appoints the following delegation to represent the House of Representatives: Representatives Mavretic, Greenwood, Nesbitt, Crawford, Colton, Kennedy, Howard, Justice, and Buchanan.

The following is lifted from the Order of Worship at the Celebration for the Life of Senator Swain held on August 21, 1990, in the City of Asheville, North Carolina:

Robert Stringfield Swain was born July 25, 1921, son of John Edward and Mozelle Stringfield Swain. He was educated in the public schools of North Carolina, Mars Hill College, the University of North Carolina-Chapel Hill, Biltmore College and the University of New Mexico.

Bob Swain was an often-decorated fighter pilot in the Army Air Corps during World War II. He returned to North Carolina to fashion a distinguished legal career. His political leadership in the North Carolina Senate began in 1977 where he exemplified the culture, values and qualities of his beloved Western North Carolina mountains.

He was greatly admired for his courage, commitment to the needs of ordinary citizens, candor and wit. He was a dedicated Democrat. He was a member of Central United Methodist Church.

Senator Swain is survived by four daughters, Jennifer S. Clarke of Toledo, Ohio, Barbara G. Swain of Baltimore, Maryland, Patricia S. Dufendach of Wilmington, Delaware, and Katherine A. S. Pettingill of Cordova, Alaska; a son, Robert E. Swain of Asheville; two sisters, Dot Lewis of Idyllwild, California, and Betty Turbyfill of Asheville; a brother, Jack Swain of Asheville; and 11 grandchildren.

EULOGY DELIVERED BY DR. HAROLD K. BALES
Central United Methodist Church
Asheville, North Carolina

ON KEEPING THE FAITH
For
SENATOR BOB SWAIN
August 21, 1990

"...the time of my departure has come. I have finished the race. I have kept the faith. Henceforth there is laid up for me the crown of righteousness, which the Lord, the righteous judge, will award to me on that Day, and not only to me but also to all who have loved his appearing." (II Timothy 4:66-8)

Ladies and gentlemen, friends, we have gathered today to celebrate the life of Senator Bob Swain. To reminisce together about one whose life was lived with such distinction as to mark him a memorable leader of our place and time. He was the kind of man of whom legends are made. Before the word of his death had finished passing across this State, the stories and yarns about Bob Swain, lawyer, politician, public servant and wit were echoing back.

In part we are commemorating the passing of an era in public life. He was, in the richest sense of that regional colloquialism, a "real character." His was a larger-than-life, sea-to-shining-sea, persona—the kind of public servant of which no more are being made.

After Harry Truman became President, Sam Rayburn took him aside and gave him this advice: "From here on out you're going to have lots of people around you.

They'll try to put a wall around you and cut you off from any ideas but theirs. They'll tell you what a great man you are, Harry. But you and I both know you ain't." Well, the fact is Harry was and Sam knew it. And Sam was, too. Senator Swain was cut out of that same cloth and he was an extraordinary man, too. That's why you are here. You have come to honor his memory and to lift a few cheers upon his finishing the race and keeping the faith.

Now what kind of race did he run? And what kind of faith did he keep? Most of you will remember when he worked trying to get the law changed to allow fighting roosters—raised in North Carolina—to receive basic training before being shipped off to Puerto Rico where they would, in fact, ply their trade. He didn't want to send any "sissy roosters" out from North Carolina! He was himself no sissy rooster. He was a practitioner of what I would call "muscular" Christianity. There was not a sanctimonious bone in his Democrat body. I am glad for that. He was a robust practitioner of good, old-fashioned, partisan politics. I am glad for that, too.

There is a uniqueness about a moment like this. It is in the nature of a public life that we are all made to know the personality, character, values and commitments of a public man. Year after year a platform, a philosophy, is placed before the public. A record is written and spread before us. Every person here is a bearer of stories, tales and lore—favorite yarns that reveal the spirit, power and energy of this man.

One of his admirers told me how a fellow asked another, "Who is the best criminal defense lawyer in town?" "When he's sober," came the answer, "Bob Swain!" "Well then, who's the second best?" "When he's drunk," came the reply, "Bob Swain!" I am glad there was no posturing sanctimony in him. You would not have liked him if there had been. And we ought not reward the falsely pious by electing them to public office. In Bob Swain you got straight-from-the-shoulder honesty and integrity—and that's that.

What Democrat, at least, could not love his competitive, partisan spirit. His Republican friends could be forgiven for staying up late at night to try to counter his good-natured rivalry.

Not long ago he said to one of his physicians, "Doc, I think you gave me some Republican blood in that last transfusion." "Why do you think that?" asked the doctor. "Well, lately I've had this powerful urge to steal horses," said Bob.

Shortly before he died, he asked his sister, Betty Turbyfill, if she thought he would go to heaven. She replied that she most certainly did believe he would go to heaven. He replied, "Well, at least I won't be bothered by Republicans there!"

Bob Swain may be forgiven for having surmised that Jesus was a Democrat. He did, after all, ride into Jerusalem on a donkey. And Bob may be understood if he sought to enter the Holy City after the fashion of our Lord. Let him in Lord, let him in! On that Democratic donkey!

What a treat to think about this man who leaves us a treasure trove of lore to enrich our memories and brighten our lives!

I am glad his was not a sanctimonious life. His was an honest faith. I am glad he did not run a halting, fainting race. Let me tell you what it was about this man that so commended him to the citizens of this State. **His was a sanctified life.** There is a world of difference, between a sanctimonious life and a sanctified life. Let me tell you what I mean.

Senator Swain touched and was touched by God. When the touching happened, this vigorous public servant experienced the holiness of God. And he became an instrument of holiness himself.

Here is how this happened. **It occurred in this vocation of caring for the common good.** His boundless courage, utter candor, generous spirit, advocacy for the underdog, commitment to the civilizing process—these are the features in his life's work by which he touched God. These were the moments in which he was bathed in sanctity—the experience of the holiness of God.

This is, after all, what a Methodist is supposed to be and do. Here was a man who believed in the nobility of public service. He was a personification of his religious tradition's commitment to social righteousness on this earth. This is what a Christian is supposed to be and do.

Intuitively, by training and by design, Senator Swain's life of service was rooted in what I regard as one of the pivotal passages in the Scriptures. In the twenty-fifth chapter of Matthew's Gospel we read the only extended comment in the New Testament where our Lord speaks about the Last Judgment. He talks about the basis on which we will all finally be evaluated—the sheep separated from the goats.

The messages of Jesus here is remarkable not only for what it contains but also for what is omitted. He says nothing, for instance, about what we must believe, although belief is surely important. Nor does he mention anything about how we must worship or organize our churches. Rather, he focuses entirely on how we respond to the **marginal people** in our world: the sick, the thirsty, the naked, the prisoner. Here, he says, is where you will meet me. Finally you will be evaluated on how you responded to the least among you.

Do I need to say more? Look at the record of Bob Swain's public service and rejoice!

Now we say goodbye to this faithful man who has finished his race. These images come to mind: lover of these mountains, high places, cool valleys, nature teeming with the creative energy of God. We think of music—the music of these mountains. We think of laughter. We think of law. Law—how he loved it. All these images converge for me in a poem by a great contemporary, southern poet, Wendell Berry. It is a poem about the music, the freedom made possible by orderliness and law. I hear, reflected in these words, the spirit of Bob Swain and offer them as a kind of benediction for us all: (*Collected Poems*, pp.. 247-248)

The Law that Marries All Things

1. The cloud is free only to go with the wind.
   The rain is free only in falling.
   The water is free only in its gathering together,
   in downward courses, in its rising into air.

2. In law is rest if you love the law,
   if you enter, singing, into it as water in its descent.

3. Or song is truest law, and you must enter singing:
   it has no other entrance. It is the great chorus of parts.
   The only outlawry is in division.

4. Whatever is singing is found, awaiting the return of whatever is lost.
5. Meet us in the air over the water, sing the swallows.

   Meet me, meet me, the redbird sings, here here here here.

Thanks be to God for the life, work and witness of Senator Bob Swain who, having finished the race and kept the faith, now enters the more intimate presence of God forever—singing! Amen.

APPOINTMENTS

SHARED BY THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following appointments (confirmed by documents on file) to Boards, Commissions and Committees were made during 1989 and 1990 by the President of the Senate, the Honorable James C. Gardner, Lieutenant Governor, and the Honorable Josephus L. Mavretic, Speaker of the House of Representatives.

Chapters 96, 640, 779, 781, 1038, and 1048, of the 1989 Session Laws, were enacted in compliance with G.S. 120-121 which outlines the procedure for legislative appointments. Vacancies occurring in legislative appointments are addressed in G.S. 120-122.

Appointments prior to 1989 were made by a former Lieutenant Governor and Speaker but remain in effect.

		Appointed	Expires
ADMINISTRATIVE RULES REVIEW COMMISSION		Term-two years	
G.S. 143B-30.1—see also Ch. 1038, Sec. 18, 1989 S.L. (H.B. 2297)			
(Lt. Gov.)	Mr. Daniel L. Brawley*	7/30/90	6/30/92
	Mr. James P. Cain*		
	Mr. George W. Jackson*	7/30/90	6/30/91
	Mr. James B. Mallory III*		
(Speaker)	Ms. Frayda S. Bluestein*	7/31/90	6/30/93
	Mr. Thomas P. McNamara*	7/31/90	6/30/92
	Mr. K. Clay Pendleton*		
	Mr. Vernon H. Rochelle*	7/31/90	6/30/93
	Ms. Nancy H. Hemphill* [UT—Bluestein*]	10/30/90	6/30/93
ADOPTIONS/SURROGATE PARENTHOOD STUDY			
Ch. 873, 1987 S.L. (H.B. 1, Sec. 26.1)			
see also—Ch. 1100, 1987 S.L. (S.B. 257, Sec. 7.1)			
(Lt. Gov.)	Senator James C. Johnson (Co-Ch)	8/24/89	
	Senator Robert C. Carpenter		
	Senator Wendell H. Murphy		
	Senator Ralph Hunt	9/17/87	
	Ms. Sarah Young Austin*		
	Mr. Bobby Boyd*		
	Dr. Sherry Dickstein*		
	Ms. Jane Rankin Thompson*		
	Ms. Sandra Yarborough*		
	Hon. Charles Johnson*		
(Speaker)	Rep. Edith L. Lutz (Co-Ch)	9/30/87	
	Rep. William M. Freeman		
	Rep. Gordon H. Greenwood		
	Rep. Sam Hunt III		
	Rep. Sharon Thompson		
	Ms. Helen Alspaugh*		
	Dr. John Henley, Jr.*		
	Mr. William G. Henry*		
	Mr. Gene Herrell*		
	Mr. Charles Powers III*		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
ADVISORY BUDGET COMMISSION		Term-coincides with legislative term	
G.S. 143-4			
(Lt. Gov.)	Senator Laurence A. Cobb	3/9/89	12/31/90
	Senator Betsy L. Cochrane [UT—Cobb]	8/24/89	12/31/90
	Senator Donald R. Kincaid	3/9/89	12/31/90
	Senator Richard E. Chalk [UT—Kincaid]	9/19/90	12/31/90
	Senator Wendell H. Murphy		
	Senator Kenneth C. Royall, Jr.		
	Senator Robert G. Shaw		
(Speaker)	Rep. Charles L. Cromer	11/27/89	12/31/90
	Rep. Milton F. Fitch		
	Rep. Thomas C. Hardaway		
	Rep. Howard Hunter		
	Rep. Johnathon L. Rhyne		
	Rep. Harry C. Grimmer [UT—Cromer]	4/19/90	
	Rep. Doris R. Huffman [UT—Rhyne]	9/10/90	
AGING, GOVERNORS ADVISORY COUNCIL			Term-four years
G.S. 143B-181			
(Lt. Gov.)	Mr. Robert Hill, Jr.*	1/11/88	6/30/91
	Dr. Russell Sacco*	7/1/90	6/30/94
(Speaker)	Mr. Grady Galloway*	7/13/88	6/30/92
	Dr. John R. Kernodle*	7/1/90	6/30/94
AGING, NORTH CAROLINA STUDY COMMISSION			Term-two years
G.S. 120-182			
(Lt. Gov.)	Senator Betsy L. Cochrane (Co-Ch)	9/15/89	9/15/91
	Senator Robert C. Carpenter		
	Senator James F. Richardson		
	Senator James D. Speed		
	Senator Constance K. Wilson		
	Mr. Gerald P. Cox*		
	Ms. Lisa B. Morris*		
	Mr. Melvin Charles Strum*		
(Speaker)	Rep. Betty Wiser (Co-Ch)	10/20/89	7/31/91
	Rep. C. R. Edwards		
	Rep. Larry Etheridge		
	Rep. N. J. Crawford		
	Rep. Sidney Locks		
	Mrs. Lois McManus*		
	Mr. Jack Pleasant*		
	Mrs. Mickey Hanula*		
AGRICULTURAL FINANCE AUTHORITY, NORTH CAROLINA			
G.S. 122D-4—see Ch. 1000, 1989 S.L. (H.B. 2321); Ch. 1074, Sec. 32, 1989 S.L. (S.B. 1427)			Term-three years
(Lt. Gov.)	Mr. E. Dean Chrisawn*	8/14/89	6/30/92
	Mr. John C. Howard*		
	Mr. Joseph D. Teachey, Jr.*		
(Speaker)	Mr. Johnnie Evans*	8/21/89	6/30/92
	Mr. Henry W. Little*		
	Mr. Gordon Peedin*		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
AGRICULTURE, FORESTRY AND SEAFOOD AWARENESS STUDY COMMISSION			Term–two years
G.S. 120-150			
(Lt. Gov.)	Mr. James Berry*	10/1/89	9/30/91
	Mr. Hubert G. Lowe*		
	Mr. L. Carroll Yeomans*		
(Speaker)	Rep. John W. Brown (Co-Ch)	10/19/89	9/30/91
	Rep. Edith L. Lutz		
	Rep. R. M. Thompson		
	Rep. Howard B. Chapin		
ALARM SYSTEMS LICENSING BOARD			Term–three years
G.S. 74D-4			
(Lt. Gov.)	Mr. Daniel J. Good*	8/14/89	6/30/92
	Mr. Bruce Daniel Michelsen*	7/30/90	6/30/93
(Speaker)	Mr. David W. Carter*	8/21/89	6/30/91
	Mr. Van G. Dickens*	8/21/89	6/30/92
ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE			
Ch. 757, Sec. 181, 1985 S.L.			Term–four years
(Lt. Gov.)	Mrs. Thomas P. Dillon*	9/6/85	12/31/89
	Mr. Jack Hernig*		
	Mr. Charles H. McGee*		
	Mr. John T. Wilson*		
	Mr. Harry Sherwood*		
	Mr. Wylie Neal*		
(Speaker)	Mr. Sid Hart*	8/26/85	12/31/89
	Mrs. Gladys Kerr*		
	Dr. Clifford Lovin*		
	Mrs. H. A. Sims*		
	Dr. Percial Moses Thomas*		
	Mrs. Mary Alice Wilson*		
AQUACULTURE IN NORTH CAROLINA, TASK FORCE			
Executive Order No. 69 (Recommendation)			
(Lt. Gov.)	Senator Marc Basnight	3/17/88	
(Speaker)	Dr. Myron L. Coulter*	7/28/88	
ARBORETUM, WESTERN NORTH CAROLINA, BOARD OF DIRECTORS			Term–four years
G.S. 116-243			
(Lt. Gov.)	Mr. J. Michael Plemmons*	7/30/90	6/30/94
	Mr. William Frank Forsyth*	7/15/88	6/30/92
(Speaker)	Mrs. Ann McKenney*	7/31/90	6/30/94
	Mr. David Felmet, Sr.*	7/13/88	6/30/92
ART IN STATE BUILDINGS			Term–two years
G.S. 143-408.4			
(Lt. Gov.)	Ms. Sarah Hodgkins*	8/24/87	6/30/89
(Speaker)	Mr. Henry A. Vermillion*	8/21/89	6/30/91
ART, NORTH CAROLINA MUSEUM OF—BOARD OF TRUSTEES			
G.S. 140-5.13(b)(5)			Term–two years
(Lt. Gov.)	Ms. Marie T. Gardner*	8/14/89	6/30/91
(Speaker)	Mrs. Katherine B. Gaston*	8/21/89	6/30/91

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
BANKING COMMISSION, STATE		Term–four years	
G.S. 53–92			
(Lt. Gov.)	Mr. J. W. Adams*	8/24/87	4/1/91
(Speaker)	Mr. Robert H. Gage*	5/1/87	4/1/91
BIOTECHNOLOGY CENTER, NORTH CAROLINA —BOARD OF DIRECTORS		Term–four years	
By–Laws			
(Lt. Gov.)	Dr. Stephen W. Dumford*	10/5/89	7/31/91
	Dr. Gertrude B. Elion*		
	Dr. Frederick W. Glass*		
	Mr. Samuel Bascomb Moore*		
	Dr. James E. Niedel*	10/6/89	7/31/93
(Speaker)	Dr. Edward B. Fort*	10/19/89	7/31/91
	Dr. James Burchall*		
	Mr. Donald E. Ball*		
	Mr. James O. Roberson*		
	Rep. Edward A. Warner, Jr.		
BIRTH-RELATED NEUROLOGICAL IMPAIRMENT STUDY COMMISSION		Final report to 1991 Session	
Ch. 1100, 1987 S. L. (S.B. 257, Sec. 6.1); Ch. 64, Sec. 1, 1989 S.L. (H.B. 125); Ch. 1078, Sec. 5.4, 1989 S.L. (H.B. 296)			
(Lt. Gov.)	Senator Thomas F. Taft (Co–Ch.)	7/29/88	*Sine Die*
	Senator George B. Daniel		1991
	Dr. Sandy Easley*		
	Ms. Christie Speir Price*		
	Mr. Bruce H. Fitchett*	8/21/90	
(Speaker)	Rep. George W. Miller, Jr. (Co–Ch.)	8/1/88	*Sine Die*
	Rep. Edd Nye		1991
	Dr. Otis Duck*		
	Dr. Douglas E. Henley*		
	Mr. Grover C. McCain, Jr.*	9/10/90	
BLIND, CONSUMER AND ADVOCACY ADVISORY COMMITTEE FOR THE		Term two–years	
G.S. 143B–164			
(Lt. Gov.)	Senator Ralph Hunt	8/24/89	6/30/91
(Speaker)	Rep. Martin L. Nesbitt, Jr.	10/19/89	6/30/91
CAPITAL PLANNING COMMISSION		Term–coincides with legislative office	
G.S. 143B–374			
(Lt. Gov.)	Senator N. Leo Daughtry	3/17/89	
	Senator Wanda Hunt		
	Senator LaFontine Odom		
	Senator J. K. Sherron		
	Senator Robert G. Shaw [U/T—W. Hunt]	5/22/90	
(Speaker)	Rep. Daniel T. Blue, Jr.	3/29/89	
	Rep. Aaron E. Fussell		
	Rep. Eugene Rogers (Designee)		
	Rep. Paul Stam, Jr.		
	Rep. Betty H. Wiser		
CEMETERIES, ADVISORY COMMITTEE ON ABANDONED		Term–four years	
G.S. 143B–128			
(Lt. Gov.)	Mr. Ralph Yates*	7/1/85	6/30/89
(Speaker)	Rep. Gordon H. Greenwood	7/6/87	6/30/91

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
CHILD DAY-CARE COMMISSION—see DAY-CARE COMMISSION			
CHILDREN AND YOUTH COMMISSION			
G.S. 120-70.7—**Repealed**—Ch. 802, Sec. 10.3, 1989 S.L. (S.B. 231)			
CHILDREN AND YOUTH, GOVERNOR'S ADVOCACY COUNCIL ON			
G.S. 143B-415		Term-four years	
(Lt. Gov.)	Senator Austin M. Allran	8/24/89	6/30/91
	Senator Betsy L. Cochrane		
(Speaker)	Rep. Peggy Wilson	10/19/89	6/30/91
	Rep. Ruth Easterling		
CHILDREN WITH SPECIAL NEEDS, COMMISSION ON			
G.S. 120-58		Term-Pleasure of appointive authority	
(Lt. Gov.)	Senator Robert C. Carpenter	8/24/89	
	Senator Helen R. Marvin		
	Senator Marvin Ward		
	Dr. James D. Thullen*	10/5/89	9/15/91
(Speaker)	Rep. W. Stine Isenhower	9/28/89	
	Rep. Sidney A. Locks		
	Rep. Peggy Wilson		
	Ms. Carolyn R. Howell*		
CHIROPRACTIC EXAMINERS, STATE BOARD OF			
G.S. 90-139(b)			
(Lt. Gov.)	(Term-Three years)		
	Dr. Ricky R. Sides*	8/14/89	6/30/92
(Speaker)	(Term-Two years)		
	Dr. Earl Barbour*	8/21/89	6/30/91
CHOWAN INTERSTATE COMMISSION		Term-Not Specified	
In cooperation with Virginia General Assembly			
Ch. 757, 1985 S.L. (S.B. 182, Sec. 207)			
Ch. 738, 1987 S.L. (H.B. 1514, Sec. 157)			
(Lt. Gov.)	Senator Marc Basnight (Co-Ch)	9/28/87	6/30/89
	Senator William Barker		
	Senator J. J. Harrington		
	Senator R. P. Thomas		
	Senator Lura Tally		
(Speaker)	Rep. William T. Watkins (Co-Ch)	9/29/87	6/30/89
	Rep. Brewster Brown		
	Rep. Howard Chapin		
	Rep. Vernon James		
	Rep. R. M. Thompson, Sr.		
CODE OFFICIALS QUALIFICATION BOARD, NORTH CAROLINA			
G.S. 143-151.9		Term four-years/staggered	
(Lt. Gov.)	Mr. Ollie Ray Cutler*	7/15/88	6/30/92
	Mr. Schuyler Drake Conklin*	7/30/87	6/30/91
	Mr. Tai Lee*	7/30/87	6/30/91
	Mr. Brewster Ward*	8/30/89	6/30/93
	Mr. Arthur L. Kennedy	7/1/90	6/30/94
(Speaker)	Mr. James W. Brummit, Jr.*	12/19/89	6/30/93
	Mr. Ernest Frank Davis*	7/13/88	6/30/92
	Mr. Charles England*	12/19/89	6/30/93
	Mr. Howard V. Page*	6/30/87	6/30/91

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
COMPREHENSIVE MAJOR MED. PLAN, TEACHER'S AND STATE EMPLOYEES'—see MAJOR MEDICAL PLAN			
COMPUTER STUDY COMMISSION ,STATE —see INFORMATION TECHNOLOGY COMMISSION			
COSMETIC ART EXAMINERS, STATE BOARD OF			Term two-years
G.S. 88-13			
(Lt. Gov.)	Ms. Patricia Louise Tippett*	7/30/90	6/30/93
(Speaker)	Mrs. Joyce Lewis Mason*	8/21/89	6/30/92
COURTS COMMISSION, NORTH CAROLINA			Term four-years
G.S. 7A-506			
(Lt. Gov.)	Senator Bill Barker	8/24/89	6/30/93
	Senator James C. Johnson	8/24/89	**(Resigned 9/6/89)**
	Senator Austin Allran [UT—Johnson]	9/20/89	6/30/93
	Senator R. C. Soles,Jr.	8/24/89	6/30/93
	Mr. Dallas Rhone*	7/15/88	6/30/91
	Mr. Russell B. Hollers*	10/5/87	6/30/91
	Ms. Lillian O'Briant*	10/5/87	6/30/91
(Speaker)	Rep. Roy Cooper III	7/30/87	6/30/91
	Rep. Robert C. Hunter	7/30/87	6/30/91
	Rep. Dennis Wicker	7/30/87	6/30/91
	Rep. Charles L. Cromer	1/2/90	6/30/93
	Rep. David T. Falherty, Jr.	1/2/90	6/30/93
	Mrs. Nancy C. Patteson*	1/2/90	6/30/93
CRIME COMMISSION			Term-two years
G.S. 143B-478			
(Lt. Gov.)	Senator Laurence A. Cobb	3/8/89	2/28/91
	Senator Joe Raynor		
	Senator Bill Barker [UT—Cobb]	8/24/89	2/28/91
(Speaker)	Rep. Milton F. Fitch, Jr.	4/19/89	2/28/91
	Rep. John Kerr III		
CRIME VICTIM COMPENSATION COMMISSION			Term-four years
G.S. 15B-3(a)			
(Lt. Gov.)	Mr. Mark D. Donaldson*	8/24/87	6/30/91
(Speaker)	Mr. A. A. Adams*	8/26/87	6/30/91
CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION			Term-two years
G.S. 17C-3			
(Lt. Gov.)	Mr. Earl L. Honeycutt*	8/14/89	6/30/91
(Speaker)	Mr. Charles P. Farris, Jr.*	8/21/89	6/30/91
DAY-CARE COMMISSION OF THE DEPARTMENT OF HUMAN RESOURCES			Term two-years/staggered
G.S. 143B-168.4			
see also—Ch. 342, 1989 S.L. (H.B. 1192)			
(Lt. Gov.)	Ms. Marleen A. Carter*	8/14/89	6/30/91
	Ms. Cynthia S. Story*	8/14/89	6/30/91
	Ms. Marilyn Lee*	7/30/90	6/30/92
	Rev. Barry Shearer*	7/30/90	6/30/92
(Speaker)	Rev. Samuel H. Henning*	8/21/89	6/30/91
	Rev. Thomas Johnson Vestal* [UT—Henning]	7/31/90	6/30/91
	Ms. Belita Ann Whitman*	8/21/89	6/30/91
	Mr. Christopher E. McClure*	7/31/90	6/30/92
	Mrs. Anne-Marie T. Yates*	7/31/90	6/30/92

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
DEFERRED COMPENSATION PLAN, NORTH CAROLINA PUBLIC EMPLOYEE			Term-two years
G.S. 143B-426.24			
(Lt. Gov.)	Mr. Andrew J. Waring*	8/14/89	6/30/91
(Speaker)	Mr. Ronald Pegram*	8/21/89	6/30/91
DISABILITIES, GOVERNOR'S ADVOCACY COUNCIL ON PERSONS WITH			Term-two years
G.S. 143B-403.2			
(Lt. Gov.)	Mr. William Brantley*	8/14/89	6/30/91
(Speaker)	Mr. Edward Theodore Smith*	8/21/89	6/30/91
DISABILITY TASK FORCE OF THE DEPARTMENT OF HUMAN RESOURCES			
Ch. 1034, 1983 S.L. (Sec. 64); Ch. 757, 1985 S.L. (Sec. 82)			
(Lt. Gov.)	Mr. Charles McBrayer Sasser*	9/19/85	
(Speaker)	Rep. Barney Paul Woodard	10/26/89	
DISCIPLINARY HEARING COMMISSION OF NORTH CAROLINA STATE BAR			Term-three years
G.S. 84-28.1			
(Lt. Gov.)	Mr. Frank L. Boushee*	7/13/89	6/30/92
(Speaker)	Mr. Sam L. Beam*	7/13/88	6/30/91
ECKERD WILDERNESS EDUCATIONAL SYSTEM, NORTH CAROLINA BOARD			Term-three years/staggered
By-laws of EWES of North Carolina			
(Lt. Gov.)	Senator Harold Hardison	7/25/88	6/30/91
	Senator Kenneth C. Royall, Jr.	7/30/87	6/30/90
(Speaker)	Rep. John B. McLaughlin	3/18/87	6/30/91
	Rep. J. Paul Tyndall	7/6/87	6/30/90
ECONOMIC DEVELOPMENT BOARD			Term-coincides with legislative term
G.S. 143B-434			
(Lt. Gov.)	Mr. Harrold D. Plummer (Designee)	4/20/89	
(Speaker)	Rep. George S. Robinson (Designee)	4/27/89	
EDUCATION COMMISSION OF THE STATES			Term-two years
G.S. 115C-104			
(Lt. Gov.)	Senator Marvin Ward	9/15/89	6/30/91
(Speaker)	Rep. David H. Diamont	10/25/89	6/30/91
EDUCATIONAL FACILITIES FINANCE AGENCY			Term-four years
Ch. 794, 1985 S.L. (H.B. 953, Sec. 4)			
(Lt. Gov.)	Mr. Noel L. Allen, Director*	4/11/88	4/11/92
(Speaker)	Mr. Walter W. Baucom*	4/6/88	4/11/92
EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN, COUNCIL			Term-two years
G.S. 115C-121			
(Lt. Gov.)	Senator Helen R. Marvin	8/24/89	6/30/91
	Senator Lura Tally		
(Speaker)	Rep. Charlotte A. Gardner	10/19/89	6/30/91
	Rep. Daniel T. Blue, Jr.		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL			
G.S. 143-510		Term-coincides with legislative term	
(Lt. Gov.)	Senator Ollie Harris	5/12/89	
	Senator Paul S. Smith		
(Speaker)	Rep. Charles M. Beall	10/19/89	
	Rep. Daniel DeVane		
EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE			
G.S. 135-38—see also Ch. 1038, Sec. 19.1, 1989 S.L. (H.B. 2297)			
(Lt. Gov.)			12/31/90
	Senator Kenneth C. Royall, Jr. - Chairman Appropriations (Co-Ch)		
	Senator Henson P. Barnes - President Pro Tempore		
	Senator Ted Kaplan - Majority Leader		
	Senator Marshall Rauch - Chairman Finance		
	Senator Robert C. Carpenter	8/24/89	6/30/91
	Senator Daniel R. Simpson		
(Speaker)	Rep. David Diamont (Co-Ch)	10/19/89	6/30/91
	Rep. R. D. Beard		
	Rep. Robert Brawley		
	Rep. Alexander Hall		
	Rep. John C. Hasty		
	Rep. Doris Huffman		
ENERGY POLICY COUNCIL, NORTH CAROLINA			Term-two years
G.S. 113B-3			
(Lt. Gov.)	Senator Richard Conder	5/11/89	1/31/91
	Senator William D. Goldston, Jr.		
(Speaker)	Rep. David G. Balmer	10/19/89	1/31/91
	Rep. John H. Kerr III		
ENVIRONMENTAL MANAGEMENT COMMISSION			Term-two years
G.S. 143B-283—see also Ch. 315, 1989 S.L.; Ch. 1036, 1989 S.L. (H.B. 2249)			
(Lt. Gov.)	Mr. Douglas S. Boykin*	8/14/89	6/30/91
	Mr. Arthur W. Cooper*		
(Speaker)	Mr. Michael K. Barnes*	8/21/89	6/30/91
	Mr. Lawrence Ray Zucchino*		
ENVIRONMENTAL REVIEW COMMISSION			
G.S. 120-70.42		Term-pleasure of appointing authority	
see also—Ch. 727, Sec. 139, 1989 S.L. (H.B. 480)			
(Lt. Gov.)	Senator Russell G. Walker (Co-Ch)	6/14/89	
	Senator William Barker (Co-Ch)	5/25/89	Resigned 6/13/89
	Senator Marc Basnight		
	Senator George B. Daniel		
	Senator Charles W. Hardin		
	Senator Daniel R. Simpson		
	Senator Lura Tally	8/3/89	
(Speaker)	Rep. Daniel DeVane (Co-Ch.)	10/19/89	
	Rep. N. J. Crawford		
	Rep. Bruce Ethridge		
	Rep. Robert Grady		
	Rep. Coy C. Privette		
	Rep. John Weatherly		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
ETHICS, LEGISLATIVE COMMITTEE	Term-coincides with term of Office		
G.S. 120-99			
(Lt. Gov.)	Senator Lura Tally (Chairman until 12/31/89)	3/3/89	
	Senator Austin Allran		
	Senator Betsy Cochrane		
	Senator James Ezzell, Jr.		
	Senator Dennis Winner		
(Speaker)	Rep. R. D. Beard (Chairman beginning 1/1/90)		
	Rep. Milton F. Fitch	10/27/89	
	Rep. Jo Graham Foster		
	Rep. Harry C. Grimmer		
	Rep. Timothy Tallent		

FARMERS MARKET COMMISSION, NORTHEASTERN NORTH CAROLINA	Term-four years/staggered		
G.S. 106-720			
(Lt. Gov.)	Dr. Edmund Estes*	7/15/88	6/30/92
	Mr. Tom H. Shepherd*	7/15/88	6/30/92
	Mr. Sam Walker*	7/16/86	6/30/90
	Ms. Grace Bonner*	7/16/86	6/30/90
(Speaker)	Mr. M. Wayne Miller*	8/21/87	6/30/92
	Mr. Don Baker*	7/16/86	6/30/90
	Rev. James M. Johnson*	7/16/86	6/30/90

FARMERS MARKET COMMISSION, SOUTHEASTERN NORTH CAROLINA	Term-four years/staggered		
G.S. 106-727			
(Lt. Gov.)	Mr. Wayne Miller*	7/15/88	6/30/92
	Mr. J. T. Wellington*	7/15/88	6/30/92
	Mr. Durwood Sinclair*	7/16/86	6/30/90
	Mr. Al Parker*	7/16/86	6/30/90
(Speaker)	Dr. Edmund A. Estes*	7/13/88	6/30/92
	Mr. Samuel L. Harrell*	7/13/88	6/30/92
	Mr. Lacy Cummings*	7/31/90	6/30/94
	Mr. Henry A. McLaurin*	7/31/90	6/30/94

FARMWORKER COUNCIL, NORTH CAROLINA		Term-two years	
G.S. 143B-426.25			
(Lt. Gov.)	Ms. Cheryl D. Benson*	7/18/89	6/30/91
	Mr. William L. Garrison*		
(Speaker)	Rep. Charles F. Buchanan	10/19/89	6/30/91
	Rep. Leo Mercer		

FIRE COMMISSION, STATE		Term-three years	
G.S. 58-27.30—see also Ch. 750, 1989 S.L. (H.B. 1627)			
(Lt. Gov.)	Mr. Robert Bruce Hoyle*	7/30/90	6/30/93
(Speaker)	Mr. H. T. Taylor, Sr.*	10/1/89	9/30/92

GENERAL STATUTES COMMISSION		Term-two years	
G.S. 164-14			
(Lt. Gov.)	Senator James E. Ezzell, Jr.	6/1/89	5/31/91
(Speaker)	Rep. A. B. Kennedy	3/7/89	5/31/91

HEALTH CARE LICENSING STUDY—see **AGING, NORTH CAROLINA STUDY COMMISSION**

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
HEALTH INSURANCE TRUST COMMISSION, NORTH CAROLINA			
G.S. 58A-4		Term-three years/staggered	
(Lt. Gov.)	Mr. Dennis R. Barry*	8/24/87	6/30/90
	Dr. Charles E. Cook*	7/15/88	6/30/91
	Mr. Roger W. Isaac*	8/14/89	6/30/92
	Mr. Kenneth E. Morris III*	8/14/89	6/30/92
(Speaker)	Mr. Shannon Brown*	8/26/87	6/30/91
	Mr. John R. Griffin, Jr.*	8/21/89	6/30/92
	Dr. Blair Harrold*	7/31/90	6/30/93
	Dr. Michael L. Steiner*	7/13/88	6/30/91
HEARING IMPAIRED, NORTH CAROLINA COUNCIL, FOR THE			
G.S. 143B-214			Term-two years
(Lt. Gov.)	Senator R. L. Martin	8/24/89	6/30/91
(Speaker)	Rep. Dennis A. Wicker	10/19/89	6/30/91
HOLOCAUST, NORTH CAROLINA COUNCIL ON THE			Term-two years
G.S. 143B-216.21			
(Lt. Gov.)	Ms. Anita Berman*	8/4/89	6/30/91
	Ms. Mary Gut*		
	Ms. June Horvitz*		
	Ms. Claudia Kadis*		
	Mr. William Schwartz*		
	Ms. Rochelle (Shelly) Weiner*		
(Speaker)	Rep. Stephen Arnold	10/19/89	6/30/91
	Rep. Herman C. Gist		
	Rep. Bertha Holt		
	Rep. Peggy M. Stamey		
	Rep. C. P. Stewart		
	Rep. E. Alexander Warner, Jr.		
HOUSING FINANCE AGENCY, BOARD OF DIRECTORS			
G. S. 122A-4		Term-two/four years	
(Lt. Gov.)	Mr. William G. White, Jr.*	8/24/87	6/30/91
	Mr. William T. Boyd*	8/14/89	6/30/93
	Mr. M. Charles Mullen*	8/14/89	6/30/91
	Mr. Clyde T. Wood, Jr.*	8/14/89	6/30/91
(Speaker)	Mr. Karl J. Mendenhall*	8/21/89	6/30/91
	Mr. David B. Morgan*	8/21/89	6/30/91
	Mr. Mark E. Tipton*	8/21/89	6/30/91
	Mr. Thomas L. Council*	8/21/89	6/30/91
HOUSING PARTNERSHIP, NORTH CAROLINA			Term-three years
G.S. 122E-4			
(Lt. Gov.)	Mr. Herschel Redding*	9/1/90	8/31/93
	Ms. Betty Jean "B.J." Harris*	7/30/90	8/31/93
	Mr. David J. Meachem*	9/1/90	8/31/93
	Mr. John Vereen*		
	Mr. Carl E. Worsley, Jr.*		
(Speaker)	Mr. Anthony Christopher Cardez*	9/1/90	8/31/93
	Mrs. Patricia G. Garrett*		
	Mr. Willard A. Gourley, Jr.*		
	Mr. Donald M. Saunders*		
	Mr. Everette Stiles*		
HUMAN RELATIONS COMMISSION			Term-four years
G.S. 143B-392—see Ch. 979, 1989 S.L. (H.B. 685)			
(Lt. Gov.)	Mr. Kenneth M. Robertson, Jr.*	7/1/90	6/30/94
	Honorable Ronald E. Bogle*	7/1/90	6/30/94
(Speaker)	Dr. Francis W. Slate*	7/1/90	6/30/94
	Mr. William N. Chestnut*	10/8/90	6/30/94

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
INDIAN AFFAIRS, NORTH CAROLINA COMMISSION OF			
G.S. 143B-407			Term-two years
(Lt. Gov.)	Mr. Arnold Locklear*	8/14/89	6/30/91
(Speaker)	Mr. Jim R. Lowry*	8/21/89	6/30/91
INDIAN EDUCATION, STATE ADVISORY COUNCIL ON			
G.S. 115C-210.1			
(Lt. Gov.)	Senator David Parnell	5/25/89	
(Speaker)	Rep. John C. Hasty	10/19/89	
INFANT MORTALITY, GOVERNOR'S COMMISSION ON REDUCTION OF			Pleasure of Governor
Executive Order No. 99			
(Lt. Gov.)	Senator Constance K. Wilson	12/20/89	12/31/91
(Speaker)	Rep. Luther R. Jeralds	12/14/89	
INTERNSHIP COUNCIL, NORTH CAROLINA			Term-two years
G.S. 143B-418			
(Lt. Gov.)	Ms. Vivian S. Sitton*	7/18/89	6/30/91
(Speaker)	Mr. Tom Trout*	10/24/89	6/30/91
INTERSTATE COOPERATION, NORTH CAROLINA COUNCIL ON			Term-two years
G.S. 143B-380			
(Lt. Gov.)	Senator Howard F. Bryan	8/24/89	6/30/91
	Senator Kenneth C. Royall, Jr.		
	Senator Paul S. Smith		
(Speaker)	Rep. J. Fred Bowman (Designee)	10/19/89	6/30/91
	Rep. Charles W. Albertson		
	Rep. Ed Bowen		
	Rep. Judy Hunt		
JUVENILE LAW STUDY COMMISSION			Term-two and four years
G.S. 7A-740—see also Ch. 367, 1989 S.L. (H.B. 252)			
(Lt. Gov.)	Senator Austin M. Allran	8/29/90	6/30/92
	Senator Marc Basnight	8/29/90	6/30/92
(Speaker)	Rep. Paul Stam, Jr.	7/1/90	6/30/92
	Rep. John L. Tart		
LEGISLATIVE ETHICS COMMITTEE—see **ETHICS, LEGISLATIVE**			
LIABILITY INSURANCE COMMISSION, PUBLIC OFFICERS AND EMPLOYEES			Term-two years
G.S. 58-27.20			
(Lt. Gov.)	Mr. Raymond A. Lichtner*	8/24/87	6/30/91
(Speaker)	Mr. John David Walker*	8/21/89	6/30/91
Ex-Officio-Commissioner of Insurance (James E. Long)			
	Secretary of Crime Control (Joseph W. Dean)		
	Attorney General (Lacy H. Thornburg)		
LITERACY, GOVERNOR'S ADVISORY COUNCIL ON			
Executive Order No. 90			Pleasure of Apointive Authority
(Lt. Gov.)	Senator Constance K. Wilson	9/15/89	
(Speaker)	Rep. Joe H. Hege, Jr.	10/26/89	
LOCAL GOVERNMENT ADVOCACY COUNCIL			
G.S. 143-506.14			Term-coincides with legislative term
(Lt. Gov.)	Senator Charles W. Hardin	6/9/89	1/15/91
	Senator R. L. Martin		
(Speaker)	Rep. John J. Hunt	10/19/89	1/15/91
	Rep. Bradford V. Ligon	10/18/90	1/15/91

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
LOCAL GOVERNMENT COMMISSION			Term-four years
G.S. 159-3			
(Lt. Gov.)	Mr. Charles V. Ricks*	7/20/89	6/30/93
(Speaker)	Dr. David E. Henson*	10/20/89	6/30/93
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY			
G.S. 104G-5			Term-four years
(Lt. Gov.)	Ms. Carolyn Allen*	8/24/87	6/30/91
	Mr. Marcus B. Crotts*	8/24/87	6/30/93
	Mr. William B. Smalley*	8/24/87	6/30/92
	Mr. Frederick Van Swearingen [U/T-Smalley]	9/20/89	6/30/92
	Mr. Donald G. Willhoit*	8/24/87	6/30/91
	Mr. Murphy Thomas Wagner, Ph.D.*	7/30/90	6/30/94
(Speaker)	Dr. Kenneth W. Brownell*	8/26/87	6/30/91
	Mr. David Felmet, Sr.*	7/31/90	6/30/94
	Mr. G. Gordon Greenwood*	8/26/87	6/30/91
	Dr. Raymond L. Murray*	8/26/87	6/30/93
	Mr. Joseph W. Pitt*	8/26/87	6/30/92
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT COMMISSION, ADVISORY COMMITTEE			
G.S. 104F			Term-two years
(Lt. Gov.)	Senator Paul S. Smith	8/7/89	6/30/91
	Mr. J. Richard Cottingham*		
(Speaker)	Rep. N.J. Crawford	10/19/89	7/15/91
	Rep. Harry Payne, Jr.		
LOW-LEVEL RADIOACTIVE WASTE, JOINT SELECT COMMITTEE			
G.S. 120-70.32			Pleasure of appointive authority
(Lt. Gov.)	Senator Joe Johnson (Co-Ch)	7/29/88	
	Senator J. Richard Conder		
	Senator Wm. N. Martin		
	Senator Lura Tally		
	Senator Russell Walker		
	Senator Paul S. Smith	5/3/89	
(Speaker)	Rep. John H. Kerr III (Co-Ch)	10/26/89	
	Rep. David G. Balmer	10/19/89	
	Rep. James M. Craven		
	Rep. Daniel DeVane		
	Rep. Pryor Gibson		
	Rep. George M. Holmes		
MAJOR MED. PLAN, BD. OF TRUSTEES TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE			
G.S. 135-39			Term-two years/staggered
(Lt. Gov.)	Mr. Mike Graham*	8/14/89	6/30/91
	Mr. E. Lindsay Peterson II*	8/14/89	6/30/91
	Mr. Donald Q. Pate*	7/30/90	6/30/92
(Speaker)	Ms. Hilda A. Highfill*	8/21/89	6/30/91
	Mr. Thomas E. Terrell, Jr.*	8/21/89	6/30/91
	Mrs. Bernice Pitt*	7/31/90	6/30/92

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
MEDICAL DATABASE COMMISSION, NORTH CAROLINA			
G.S. 131-211		Term-three years/staggered	
(Lt. Gov.)	Dr. James R. Dineen*	8/14/89	6/30/92
	Dr. Sandra B. Greene*	8/14/89	6/30/92
	Mr. Jimmy Lewis Moore*	7/30/90	6/30/93
	Mr. Bryant T. Aldridge, Sr.*	10/21/88	6/30/91
	Mr. Thomas E. Ryan* [UT—Aldridge]	12/13/89	6/30/91
(Speaker)	Mrs. Francis Kiger*	8/21/89	6/30/92
	Mr. Robert Wall*	7/13/88	6/30/91
	Mr. Robert J. Amon*	7/31/90	6/30/93
	Dr. Lawrence M. Cutchin*		
(Director)—Janis L. Curtis, Department of Insurance			
MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES COMMISSION			
Formerly—Mental Health, Mental Retardation, and Substance Abuse Services, Commission			
G.S. 143B-148			
—see also Ch. 625, Sec. 23, 1989 S.L. (S.B. 489)		Term-two years	
(Lt. Gov.)	Dr. James S. Fulghum III*	8/14/89	6/30/91
	Ms. Carol A. Mann	8/29/89	6/30/91
(Speaker)	Mr. Ben W. Aiken*	8/21/89	6/30/91
	Mrs. Jo Anne Davis*	8/21/89	6/30/91
MILK COMMISSION, NORTH CAROLINA		Term-four years	
G.S. 106-266.7			
(Lt. Gov.)	Mr. Andrew Benjamin Lloyd, Jr.*	7/30/90	6/30/94
	Dr. Vila Rosenfeld*	8/24/87	6/30/91
(Speaker)	Mr. John Hunter*	8/21/89	6/30/91
	Mrs. Kathryn G. Kirkpatrick*	7/31/90	6/30/92
MOTOR VEHICLE DEALERS ADVISORY BOARD, NORTH CAROLINA		Term-three years	
G.S. 20-305.4			
(Lt. Gov.)	Mr. Worth Johnson*	9/6/88	6/30/91
	Mr. Robert P. Noble III*	8/7/89	6/30/92
	Mr. Don Bulluck*	7/1/90	6/30/93
(Speaker)	Mr. John T. Bunch*	10/23/89	6/30/92
	Mr. Leonard A. LeFiles III*	7/1/90	6/30/93
MUNICIPAL INCORPORATIONS, JOINT LEGISLATIVE			
G.S. 120-158		Term-two years	
(Lt. Gov.)	Hon. Larry G. Keeter*	8/1/89	6/30/91
	Senator Charles W. Hardin	8/24/89	6/30/91
	Senator R. L. Martin	8/24/89	6/30/91
(Speaker)	Rep. Gordon H. Greenwood	11/1/89	6/30/91
	Rep. Julia C. Howard		
	Mr. Richard Stevens*		
NATURAL HERITAGE TRUST FUND, BOARD OF TRUSTEES			
G.S. 113-77.8		Term-six years/staggered	
(Lt. Gov.)	Mrs. Catherine McCoy*	1/1/88	12/31/93
	Mrs. Nancy Gillam Spruill*	3/12/90	12/31/95
	Mr. Jerry Wright*	1/1/88	12/31/91
(Speaker)	Dr. Richard Hoffman*	1/8/88	12/31/93
	Mr. Rick Webb*	1/8/88	12/31/91
	Mr. William Joslin*	1/24/90	12/31/95

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
NEW LICENSING BOARDS, LEGISLATIVE COMMITTEE			
G.S. 120-149.6		Term-coincides with term of office	
(Lt. Gov.)	Senator Marc Basnight	4/12/89	
	Senator Howard F. Bryan		
	Senator David R. Parnell		
	Senator Marshall A. Rauch		
(Speaker)	Rep. John L. Tart (Chairman)	4/12/89	
	Rep. Howard C. Barnhill		
	Rep. R. D. Beard (Resigned)		
	Rep. John William Hurley		
	Rep. Barney Paul Woodard		
	Rep. Harold J. Brubaker [UT-Beard]	5/1/89	
PHYSICAL FITNESS AND HEALTH, GOVERNOR'S COUNCIL			
G.S. 143B-216.9—recodified G.S. 130A-33.41			Term-two years
(Lt. Gov.)	Senator Richard Chalk	8/24/89	6/30/91
(Speaker)	Rep. Robert C. Hunter	10/19/89	6/30/91
PORTS AUTHORITY, STATE			Term-two years
G.S. 143B-452—see also Ch. 1072, Sec. 1, 1989 S.L. (S.B. 1579)			
(Lt. Gov.)	Mr. J. C. D. Bailey*	8/14/89	6/30/91
	Mr. Joseph P. Riddle, Jr.*	8/14/89	6/30/91
	Mr. James T. Broyhill* [UT—Riddle]	10/31/89	6/30/91
(Speaker)	Mr. Sneed High*	8/21/89	6/30/91
	Mr. William Wallace Respess*		
PRIVATE PROTECTIVE SERVICES BOARD			Term-three years
G.S. 74C-4(b)			
(Lt. Gov.)	Mr. James Lester Rhew*	7/15/88	6/30/91
	Mr. Jeff D. Rogers*	8/14/89	6/30/92
(Speaker)	Mr. Joel Garth Locklear*	8/21/89	6/30/92
	Dr. James C. Purvis*	7/31/90	6/30/93
	Miss Patsy L. Racine*	7/13/88	6/30/91
(See Also Appointment of President Pro Tempore)			
PROPERTY TAX COMMISSION			Term-two/four years
G.S. 143B-223			
(Lt. Gov.)(Term-Four years)			
	Mr. James C. Spencer, Jr.*	8/24/87	6/30/91
(Speaker)(Term-Two years)			
	Mr. Clarence E. Leatherman*	8/21/89	6/30/91
PUBLIC SCHOOL FORUM			Term-coincides with legislative term
By-laws Public School Forum			
(Lt. Gov.)	Senator Richard Chalk	2/7/89	
	Senator Richard Conder		
	Senator Leo Daughtry		
	Senator Marvin Ward		
(Speaker)	(not available at time of printing)		
PUBLIC TELECOMMUNICATIONS COMMISSIONERS, NORTH CAROLINA BOARD OF			Term-two years
G.S. 143B-426.9(4)			
(Lt. Gov.)	Mr. Robert P. Holding III*	8/14/89	6/30/91
	Mr. Gary Phillips*		
(Speaker)	Mr. Ralph Burroughs, Jr.*	8/21/89	6/30/91
	Mr. W. I. Morris*	8/21/89	6/30/91

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
QUALITY LEADERSHIP AWARDS COUNCIL, NORTH CAROLINA			
Executive Order No. 119			
(Lt. Gov.)	Mr. Norman Yates Chambliss*		
(Speaker)	Ms. Linda Ashendorf*	7/1/90	6/30/93
RAILROAD NEGOTIATING COMMISSION			
Ch. 792, 1985 S.L. (H.B. 344, Sec. 13)			
(Lt. Gov.)	Senator Dennis Winner (Co-Ch)	6/30/89	
	President of the Senate James C. Gardner		
(Speaker)	Rep. John J. Hunt (Designee/Co-Ch)	6/30/89	
	Mr. J. Ray Sparrow*		
RECREATION AND NATURAL HERITAGE TRUST FUND —see NATURAL HERITAGE TRUST FUND			
RETIREMENT SYSTEM, TEACHERS' AND STATE EMPLOYEES' BOARD OF TRUSTEES			Term-two years
G.S. 135-6(b)(4)			
(Lt. Gov.)	Mr. David G. Olmsted*	8/14/89	6/30/91
(Speaker)	Mr. William W. Eskridge*	8/21/89	6/30/91
RURAL ECONOMIC DEVELOPMENT CENTER, BOARD OF DIRECTORS			
By-Laws REDC		Term-Pleasure of appointive authority	
(Lt. Gov.)	Senator Austin Allran	7/21/89	
	Senator Leo Daughtry		
	Senator Donald Kincaid		
	Senator Howard F. Bryan [UT—Kincaid]	8/8/90	
(Speaker)	Rep. Bobby H. Barbee, Sr.	7/1/90	12/31/90
	Rep. Walter B. Jones, Jr.		
	Rep. Daniel T. Lilley		
SCHOOL FACILITY NEEDS, NORTH CAROLINA COMMISSION			
G.S. 115C-489.4			Term-four years
(Lt. Gov.)	Hon. Margaret Tennille* (Co-Ch)	8/24/87	6/30/91
	Dr. Culver Dale*		
	L. Glenn Orr, Jr.*		
	Mr. W. C. Owens, Jr.*		
	Dr. Prezell Robinson*		
(Speaker)	Mr. John A. Williams* (Co-Ch)	8/21/87	7/1/91
	Mr. Young H. Allen*		
	Mrs. Kathleen R. Crosby*		
	Mr. Morris L. McGough*		
	Mr. Roy D. Trest*		
SCHOOL HEALTH ADVISORY COMMITTEE, STATE			Term-three years
G.S. 115C-81(e)(6)(c)			
(Lt. Gov.)	Mrs. Carolyn Thornton*	7/15/88	6/30/91
(Speaker)	Rep. Howard C. Barnhill	7/1/90	6/30/93
SCIENCE AND MATHEMATICS, BOARD OF TRUSTEES, NORTH CAROLINA SCHOOL OF			Term-two/four years
G.S. 116-233			
(Lt. Gov.)(Term-Four years)			
	Mr. Thomas E. Norman*	7/15/88	6/30/91
	Ms. Jeanne Overton Paine*	8/14/89	6/30/93
(Speaker)(Term-Two years)			
	Ms. Harriet S. Hopkins*	8/21/89	6/30/91
	Ms. Joy G. Keever*	8/21/89	6/30/91

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
SCIENCE AND TECHNOLOGY, NORTH CAROLINA BOARD			
G.S. 143B-426.31			Term-two years
(Lt. Gov.)	Mr. Robert L. Stowe III*	8/14/89	6/30/91
(Speaker)	Dr. Samuel C. Powell*	8/21/89	6/30/91
SEAFOOD INDUSTRIAL PARK AUTHORITY, NORTH CAROLINA			
G.S. 113-315.25(d)			Term-two years
(Lt. Gov.)	Mr. Daniel B. Gray*	8/14/89	6/30/91
(Speaker)	Mr. Oscar Marine*	8/21/89	6/30/91
SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA			
G.S. 164-37—see Ch. 1076, Sec. 1, 1989 Session Laws			
(Lt. Gov.)	Rep. Frank J. Sizemore III	8/28/90	7/1/92
	Mr. A.A. "Dick" Adams*	8/21/90	7/1/92
(Speaker)	Rep. Doris R. Huffman	9/10/90	7/1/92
	Mr. Luther Moore*	9/10/90	7/1/92
(See Also Appointment of President Pro Tempore)			
SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION, NORTH CAROLINA			Term-two years
G.S. 17E-3			
(Lt. Gov.)	Hon. William Cranford Fann*	8/14/89	6/30/91
(Speaker)	Hon. Paul R. "Jaybird" McCrary*	9/1/89	8/31/91
SOUTHERN GROWTH POLICIES BOARD			Terms Expire 6/30/91
G.S. 143-492			
(Lt. Gov.)	Senator N. Leo Daughtry	8/24/89	6/30/91
(Speaker)	Rep. Daniel T. Lilley	11/1/89	6/30/91
SOUTHERN STATES ENERGY BOARD			
G.S. 104D-2			Term-pleasure of appointive authority
(Lt. Gov.)	Senator William D. Goldston	6/7/89	6/30/91
	Senator N. Leo Daughtry (Alternate)		
(Speaker)	Rep. Joe Hackney	10/20/89	6/30/91
STATE ASBESTOS STUDY COMMISSION			Term-None Specified
Executive Order No. 63			
(Lt. Gov.)	Senator William D. Goldston, Jr.	2/10/88	
(Speaker)	Rep. Margaret Stamey	2/3/88	
STATE BAR DISCIPLINARY HEARING COMMISSION —see DISCIPLINARY HEARING COMMISSION			
STATE BUILDING COMMISSION			Term-three years/staggered
G.S. 143-135.25—see also Ch. 42, 1989 S.L. (H.B. 213)			
(Lt. Gov.)	Mr. Gary Garlow*	7/30/90	6/30/93
	Mr. Carl H. Ricker*	8/14/89	6/30/92
	Mr. Ray Sparrow*	7/15/88	6/30/91
(Speaker)	Mr. Charles C. Braswell*	5/1/87	6/30/91
	Mr. Henry E. "Gene" Miller*	Upon Licensure	6/30/93
	Mr. Finley Pace, Jr.*	8/21/89	6/30/92
STATE PARKS—see PARKS, STATE			
STATE PORTS AUTHORITY—see PORTS AUTHORITY, STATE			

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
SUBSTANCE ABUSE ADVISORY COUNCIL			Term-four years
G.S. 143B-270			
(Lt. Gov.)	Mr. F. O'Neil Jones*	10/5/87	9/30/91
	Ms. Judy DeKing*	7/25/88	9/30/91
	Dr. Ronald Cohn* [UT-DeKing*]	7/20/89	9/30/91
	Dr. Milton D. Quigless*	10/1/89	9/30/93
	Ms. Jeanette Gilmore* [UT-Quigless*]	5/29/90	9/30/93
(Speaker)	Ms. Alberta Green*	10/26/87	9/30/91
	Mr. William C. Smith*	10/26/87	9/30/91
	Rep. Alexander Warner, Jr.	10/23/89	9/30/93
	Mr. James M. Hall* [UT/Smith*]	12/20/89	9/30/91

SURROGATE PARENTHOOD—see **ADOPTIONS**

TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, BOARD OF TRUSTEES—see **RETIREMENT SYSTEM,**

TEACHING FELLOWS COMMISSION, NORTH CAROLINA			Term-four years
G.S. 115C-363.23(a)—see also Ch. 1038, Sec. 19, 1989 S.L. (H.B. 2297)			
(Lt. Gov.)	Ms. Teena S. Little* (Designee—Ch.)	7/30/90	
	Ms. Helen Euliss*	7/30/90	6/30/92
	Mr. Franz F. Holscher*	7/30/90	6/30/93
	Mr. Johnny W. Shepherd*	7/30/90	6/30/91
(Speaker)	Mrs. Marydell R. Bright*	7/31/90	6/30/93
	Mr. Thomas F. Darden*	7/31/90	6/30/91
	Dr. Leroy T. Walker*	7/31/90	6/30/92

TEACHING, NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF			Term-four years
Ch. 479, Sec. 74 and Ch. 770, 1985 S.L.			
(Lt. Gov.)	Mr. Ralph A. Kimmel*	8/14/89	6/30/93
	Ms. Peggy H. Shoaf*	8/14/89	6/30/93
(Speaker)	Ms. Libba L. Thompson*	8/21/89	6/30/93
	Dr. Raymond E. Webster*	8/21/89	6/30/93

TECHNOLOGICAL DEVELOPMENT AUTHORITY, NORTH CAROLINA			Term-two/four years
G.S. 143B-471.1			
(Lt. Gov.)	(Term-Four years)		
	Mr. Tom Dillon*	8/24/87	6/30/91
	Mr. Donavan Phillips*	8/24/87	6/30/91
	Mr. Walter C. Holden* [UT—Phillips]	9/20/89	6/30/91
(Speaker)	(Term-Two years)		
	Ms. Catherine Carstarphen*	8/21/89	6/30/91
	Mr. James William Shelnutt III*	8/21/89	6/30/91

TELECOMMUNICATIONS—see **PUBLIC TELECOMMUNICATIONS**

TELEVISION, UNC CENTER FOR PUBLIC—BOARD OF TRUSTEES			Term-two years
G.S. 116-37.1			
(Lt. Gov.)	Mr. Thomas F. Ellis*	8/14/89	6/30/91
(Speaker)	Mr. Rudy Anderson*	8/21/89	6/30/91

THERAPEUTIC RECREATION CERTIFICATION BOARD, NORTH CAROLINA			Term-three years
G.S. 90C-5			
(Lt. Gov.)	Rev. Jordan C. Harris, Jr.*	7/15/88	6/30/91
	Ms. Marian R. Stone Garrett*	8/14/89	6/30/92
(Speaker)	Mr. Paul Allen Drechsler*	8/21/89	6/30/92
	Mr. Raymond E. West*	7/31/90	6/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
THOMS REHABILITATION HOSPITAL, BOARD OF TRUSTEES			
Article II, Sec. 1 - By-laws TRH		Term-coincides with office	
(Lt. Gov.)	Senator Robert Swain	7/30/87	
	Senator Charles W. Hipps		
(Speaker)	Rep. Ray C. Fletcher	3/17/87	
	Rep. N. J. Crawford		
TRANSPORTATION, NORTH CAROLINA BOARD OF		Term-two years	
G.S. 143B-350(d)			
(Lt. Gov.)	Mr. John Hutchens*	8/14/89	6/30/91
(Speaker)	Dr. Moses A. Ray*	8/21/89	6/30/91
	Mr. W. Cary Livesay* [UT—Ray*]	10/10/90	6/30/91
TRAVEL AND TOURISM, GOVERNOR'S ADVISORY COMMISSION ON			
Executive Order No. 112		Term-Pleasure of appointive authority	
(Lt. Gov.)	Senator Bill Barker	5/22/90	
	Senator C. W. Hardin		
(Speaker)	Rep. Pryor A. Gibson	7/31/90	1/15/91
	Rep. Robert Grady		
UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE			
G.S. 120-70.2		Term-Pleasure of appointive authority	
(Lt. Gov.)	Senator Joe Johnson (Co-Ch)	3/1/89	
	Senator A. D. Guy		
	Senator Dan R. Simpson [UT—Guy]	9/7/90	
	Senator Paul Smith		
(Speaker)	Rep. George M. Holmes (Co-Ch)	10/20/89	
	Rep. David G. Balmer		
	Rep. John H. Kerr III		
VAGABOND SCHOOL OF THE DRAMA, INC. AND THE FLAT ROCK PLAYHOUSE, BOARD OF TRUSTEES			
By-Laws/Art. II, Sec. 1		Term-two years	
(Lt. Gov.)	Senator Robert C. Carpenter	3/29/89	1/31/91
	Senator C. W. Hardin		
(Speaker)	Rep. N. J. Crawford	10/20/89	1/15/91
	Rep. Larry T. Justus	10/20/89	1/15/91
	Rep. John H. Weatherly [UT-Justus]	11/9/89	1/15/91
VETERINARY MEDICAL BOARD, NORTH CAROLINA		Term-five years	
G.S. 90-182			
(Lt. Gov.)	Dr. Ronald Williams*	7/30/86	7/1/91
(Speaker)	Dr. Joseph Robert Nesbitt*	8/21/87	6/30/92
WASTE MANAGEMENT BOARD, GOVERNOR'S		Term-two years	
G.S. 143-216.12(a)(3)			
(Lt. Gov.)	Dr. George L. Bradley*	8/14/89	6/30/91
(Speaker)	Dr. Pressley R. Rankin, Jr.*	8/21/89	6/30/91
WESTERN NC ARBORETUM—see ARBORETUM			
WILDLIFE RESOURCES COMMISSION, NORTH CAROLINA			
G.S. 143-240		Term-two years	
(Lt. Gov.)	Mr. Ovide E. (Tam) de St. Aubin*	5/10/89	4/24/91
(Speaker)	Mrs. Susan L. Allen*	5/12/89	4/24/91

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
WORKFORCE PREPAREDNESS, GOVERNOR'S COMMISSION ON			
Executive Order No. 107		Term–None Specified	
(Lt. Gov.)	Senator Betsy L. Cochrane	3/21/90	
	Senator N. Leo Daughtry		
	Senator James F. Richardson		
(Speaker)	Rep. Howard C. Barnhill	3/22/90	
	Rep. Larry Etheridge	3/22/90	
	Rep. Lyons Gray [UT—Etheridge]	9/27/90	
	Rep. Sharon A. Thompson	3/22/90	

NOTE: Appointments made **prior to 1989** were made by the following:
Lieutenant Governor—The Honorable Robert B. Jordan III
Speaker of the House of Representatives—
The Honorable Liston B. Ramsey

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*Citizen Appointee
[UT]—Filling Unexpired Term

APPOINTMENTS

SHARED BY THE SENATE PRESIDENT PRO TEMPORE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following appointments (confirmed by documents on file) to Boards, Commissions and Committees were made during 1989 and 1990 by the Honorable Henson P. Barnes, President Pro Tempore of the Senate and by the Honorable Josephus L. Mavretic, Speaker of the House of Representatives.

Chapters 640, 781, and 1038, of the 1989 Session Laws, were enacted in compliance with G.S. 120-121 which outlines the procedure for legislative appointments. Vacancies occurring in legislative appointments are addressed in G.S. 120-122.

Appointments prior to 1989 were made by a former President Pro Tempore and Speaker but remain in effect.

LRC is an abbreviation for Legislative Research Commission.

		Appointed	Expires
ADMINISTRATIVE—PROCEDURES ACT, OFFICE OF HEARINGS, AND RULES REVIEW COMMISSION/LRC			
Ch. 802, Sec. 2.1(6), 1989 S.L. (S.B. 231)			Report 1990; 1991
(Pro Tem)	Senator Joe Johnson (Co-Ch)	11/8/89	
	Senator William Barker		
	Senator Franklin Block		
	Senator A. P. Sands III		
	Senator Daniel R. Simpson		
	Honorable Charles W. Hipps*		
	Mr. Ralph McDonald*		
(Speaker)	Rep. Donald Dawkins (Co-Ch)	11/1/89	
	Rep. Dan Blue		
	Rep. Roy Cooper		
	Rep. David Flaherty, Jr.		
	Rep. Arthur Pope		
	Rep. Johnathan Rhyne		
	Rep. Sharon Thompson		
(LRC Coordinator)	Senator R. L. Martin		
AGRICULTURE AND AGRIBUSINESS PLANT VARIANCES/LRC			
Ch. 802, Sec. 2.1(18), 1989 S.L. (S.B. 231)			Report 1990; 1991
(Pro Tem)	Senator James D. Speed (Co-Ch)	11/8/89	
	Senator Charles W. Hardin		
	Senator Wendell Murphy		
	Senator David Parnell		
	Senator R. C. Soles, Jr.		
	Mr. Norwood P. Whitley, Jr.*		
	Mr. Billy Yeargin*		
(Speaker)	Rep. John Brown (Co-Ch)	11/1/89	
	Rep. Charles Albertson		
	Rep. Clayton Loflin		
	Rep. Edith Lutz		
	Rep. Leo Mercer		
	Rep. John Weatherly		
	Mr. John C. Allen*		
(LRC Coordinator)	Rep. Fred Bowman		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
AQUACULTURE ADVISORY BOARD		Term–Not specified	
G.S. 106-760—see also Ch. 752, Sec. 147, 1989 S.L. (S.B. 44)			
(Pro Tem)	Senator Wendell H. Murphy	12/7/89	12/31/90
(Speaker)	Representative Robert Grady	12/19/89	
BASIC EDUCATION PROGRAM, LEGISLATIVE COMMISSION ON THE			
Ch. 1066, Sec. 99, 1989 S.L. (S.B. 1426)			
(Pro Tem)	Senator Marc Basnight	9/18/90	3/31/91
	Senator J. Richard Conder		
	Senator Howard N. Lee		
	Senator Lura S. Tally		
	Mr. Gerald Whitley*		
	Dr. Andrew P. "Sam" Haywood*		
	Mr. Gerry Hancock*		
(Speaker)	Rep. Joe H. Hege, Jr.	9/10/90	3/31/91
	Rep. James W. Crawford		
	Rep. Eugene Rogers		
	Rep. Lois S. Walker		
	Ms. Libby Ross Fletcher*		
	Ms. Janet H. Wilson*		
	Ms. Mary E. McAllister*		
CAPITAL ASSETS —see **STATE CAPITAL ASSETS AND IMPROVEMENTS/LRC**			
CHEROKEE/EASTERN BAND, NORTH CAROLINA ADVISORY COUNCIL ON		Term–two years	
G.S. 143B-411.1			
(Pro Tem)	Senator Herbert L. Hyde	9/10/90	6/30/92
(Speaker)	Rep. Marty Kimsey	7/31/90	6/30/92
CONSUMER PROTECTION ISSUES/LRC		Report 1990; 1991	
Ch. 802, Sec. 2.1(9), 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator A. D. Guy (Co-Ch)	11/8/89	
	Senator Wanda Hunt		
	Senator T. L. Odom		
	Senator Robert Shaw		
	Senator James D. Speed		
	Mr. Bentley Leonard*		
	Mr. Jim Parker*		
(Speaker)	Rep. John Hasty (Co-Ch)	11/1/89	
	Rep. Ruth Easterling		
	Rep. Bradford Ligon		
	Rep. Al Lineberry		
	Rep. Coy Privette		
	Rep. Barney Woodard		
	Mr. Frank Richardson*		
(LRC Coordinator)	Rep. Harold Brubaker		
CREDIT; DEREGULATION OF REVOLVING, AUTHORIZATION OF CARD BANKS, AND LINKED DEPOSITS/LRC			
Ch. 802, Sec. 2.1(5), 1989 S.L. (S.B. 231)		Report 1990; 1991	
(Pro Tem)	Senator James C. Johnson (Co-Ch)	11/8/89	
	Senator Robert C. Carpenter		
	Senator A. D. Guy		
	Senator Ralph Hunt		
	Senator William Staton		
	Mr. Robert Gage*		
	Mr. John R. Jordan, Jr.*		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
CREDIT; DEREGULATION OF REVOLVING, AUTHORIZATION OF CARD BANKS, AND LINKED DEPOSITS/LRC (Continued)			
(Speaker)	Rep. Joe Hege (Co-Ch)	11/1/89	
	Rep. W. W. Dickson		
	Rep. Lyons Gray		
	Rep. Sidney Locks		
	Rep. Clayton Loflin		
	Rep. Eugene Rogers		
	Rep. Ed Warren		
(LRC Coordinator)	Rep. Harold Brubaker		

CRIMINAL LAW/LRC—see INSANITY VERDICT AND GUILTY BUT INSANE/LRC

DEPOSITORY INSTITUTIONS STUDY COMMISSION Final report by 1/29/91

Ch. 802, Sec. 15.1, 1989 S.L. (S.B. 231)

(Pro Tem)	Senator Staton (Co-Ch)	9/14/89	12/31/90
	Senator Robert C. Carpenter		
	Senator J. Richard Conder		
	Senator Wanda Hunt		
	Senator Aaron W. Plyler		
	Mr. James C. Blaine*		
	Mr. James H. Carney*		
	Mr. Richard Marvin*		
(Speaker)	Rep. Harold J. Brubaker (Co-Ch)	10/19/89	
	Rep. George M. Holmes		
	Rep. W. W. Dickson		
	Rep. John C. Hasty		
	Rep. Eugene Rogers		
	Mr. Theo H. Pitt, Jr.*		
	Mr. Andy McCall*		

ECONOMIC FUTURE STUDY COMMISSION Final report by 2/1/91

Ch. 1066, Sec. 22, 1989 S.L. (S.B. 1426)

(Pro Tem)	Senator George B. Daniel	9/18/90	2/1/91
	Senator James F. Richardson		
	Mr. Walter Davis*		
	Ms. Sarah Himan*		
	Mr. Lewis Holding*		
	Mr. Tom Lambeth*		
	Honorable Fred Retchin*		
	Mr. Wes Seegars*		
	Mr. Sherwood Smith*		
	Honorable R.P. "Bo" Thomas*		
(Speaker)	Rep. Beverly M. Perdue	9/21/90	2/1/91
	Rep. Harold J. Brubaker		
	Mr. David M. Stover*		
	Mr. D. Harding Stowe*		
	Mr. Walter Douglas Brady*		
	Mr. Jameson P. Wells*		
	Mr. David P. Huskins*		
	Ms. Kenneth D. Johnson*		
	Kenneth E. Mayhew, Jr.*		
	Mr. Earl Brown*		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE			Term-two years
G.S. 120-70.80—see Ch. 1066, Sec. 115, 1989 S.L. (S.B. 1426)			
(Pro Tem)	Senator Dennis J. Winner (Co-Ch)	9/19/90	1/30/91
	Senator Richard E. Chalk, Jr.		
	Senator Betsy L. Cochrane		
	Senator Robert L. Martin		
	Senator William N. Martin		
	Senator Helen R. Marvin		
	Senator James D. Speed		
	Senator William W. Staton		
(Speaker)	Rep. James W. Crawford, Jr. (Co-Ch)	9/10/90	1/30/91
	Rep. Howard C. Barnhill		
	Rep. J. Fred Bowman		
	Rep. Charlotte A. Gardner		
	Rep. Joe H. Hege, Jr.		
	Rep. Eugene Rogers		
	Rep. Lois S. Walker		
	Rep. E. Alexander Warner		
EDUCATION STUDY COMMISSION			Final report by 1/29/91
Ch. 802, Sec. 5.1, 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator Marvin Ward (Co-Ch)	9/8/89	12/31/90
	Senator J. Richard Conder		
	Senator William N. Martin		
	Mrs. Myra Copenhaver*		
	Mrs. Jane Johnson*		
(Speaker)	Rep. J. W. Crawford, Jr. (Co-Ch)	10/19/89	
	Rep. J. Fred Bowman		
	Rep. Lois Walker		
	Mrs. Sandra Livesay*		
	Mrs. Pam Brewer*		
ELECTROLYSIS EXAMINERS, NORTH CAROLINA BOARD OF			
G.S. 88A-5—see Ch. 1033, 1989 S.L. (S.B. 1624)			Term-three years
Initial Appointments 1, 2, & 3 years			
(Pro Tem)	(Not available at time of printing)		
(Speaker)	Ms. Clara D. Black*	10/2/90	2 years
ENERGY ASSURANCE STUDY COMMISSION			Final report by 2/1/91
Ch. 802, Sec. 6.1, 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator Marshall Rauch (Co-Ch)	9/1/89	
	Senator A. D. Guy		
	Mr. Mike Davis*		
	Mr. Norris Edge*		
	Mrs. Caroline Myers*		
	Mr. Cary Outlaw*		
	Mrs. Margot Freeman Saunders*		
(Speaker)	Rep. Harry Payne (Co-Ch)	10/19/89	
	Rep. Julia Howard		
	Mr. Charles W. Matthews*		
	Mr. Hobart Freeman*		
	Mr. Calvin B. Wells*		
	Mr. Kenneth Smith*		
	Mr. Lawrence Dixon*		
	Mr. James T. Bobo* [U/T—Matthews]	4/16/90	

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
FAMILY, COMMISSION ON THE		Term-coincides with term of office	
G.S. 120-70.72			
Ch. 802, Sec. 10.1, 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator Helen R. Marvin (Co-Ch)	9/7/89	12/31/90
	Senator Richard E. Chalk, Jr.		
	Senator T. LaFontine Odom		
	Mrs. Sandra Porter Babb*	9/18/89	12/31/90
	Dr. David T. Tayloe, Jr.*	9/14/89	12/31/90
(Speaker)	Rep. R. D. Beard (Co-Ch)	10/19/89	12/31/90
	Rep. Luther Jeralds		
	Rep. Theresa Esposito		
	Ms. Wanda Boyette*		
	D. Carmichael McIntyre II*		

FIREMEN—MEDICAL, DISABILITY, DEATH, RETIREMENT AND RELATED BENEFITS FOR PROVIDED BY FEDERAL, STATE, AND LOCAL GOVERNMENTS/LRC		Report 1991 Session	
Ch. 752, Sec. 43, 1989 S.L. (S.B. 44)			
(Pro Tem)	Senator Frank W. Ballance (Co-Ch)	11/8/89	
	Senator Robert C. Carpenter		
	Senator James C. Johnson		
	Senator James D. Speed		
	Senator Robert Swain		
	Senator Herbert L. Hyde [UT—Swain]		
	Mr. Richard Bennett*		
	Mr. Jerry A. Brooks*		
(Speaker)	Rep. Alex Warner (Co-Ch)	11/1/89	
	Rep. Ray Fletcher		
	Rep. Pryor Gibson		
	Rep. Howard Hunter		
	Rep. Marty Kimsey		
	Rep. Doris Lail		
	Rep. Eugene Wilson		
(LRC Coordinator)	Rep. J. W. Crawford		

FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT LEGISLATIVE COMMISSION ON		Term-two years	
G.S. 120-84.6—see Ch. 1066, Sec. 23, 1989 S.L. (S.B. 1426)			
(Pro Tem)	Senator William D. Goldston, Jr.	9/19/90	1/31/91
	Senator Ralph A. Hunt		
	Senator T. LaFontine Odom		
	Senator Aaron W. Plyler, Sr.		
	Senator J.K. Sherron, Jr.		
	Senator Paul S. Smith		
(Speaker)	Rep. Robert Brawley	10/18/90	
	Rep. W. W. Dickson		
	Rep. Jo Graham Foster		
	Rep. Ed Nye		
	Rep. Timothy N. Tallent		
	Rep. Raymond M. (Pete) Thompson		

GENETIC ENGINEERING REVIEW BOARD		Term-three years	
G.S. 106-769(1)—see also Ch. 752, Sec. 148, 1989 S.L. (S.B. 44)			
(Pro Tem)	(Not available at time of printing)		
(Speaker)	Mr. Hassell Thigpen*	7/31/90	

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
GOVERNMENTAL OPERATIONS COMMISSION, JOINT LEGISLATIVE			Term–two years
G.S. 120–74			
(Pro Tem)	Senator J. Richard Conder	2/2/89	1/15/91
	Senator Ted Kaplan		
	Senator Helen R. Marvin		
	Senator David R. Parnell		
	Senator Aaron Plyler		
	Senator James F. Richardson		
	Senator Kenneth C. Royall, Jr.		
	Senator Robert G. Shaw		
	Senator Marvin Ward		
(Speaker)	Rep. R. D. Beard	2/3/89	1/15/91
	Rep. Daniel H. DeVane		
	Rep. David H. Diamont		
	Rep. Theresa H. Esposito		
	Rep. George M. Holmes		
	Rep. Doris R. Huffman		
	Rep. R. Sam Hunt		
	Rep. Howard Hunter		
	Rep. Johnathan L. Rhyne		
	Rep. Betty H. Wiser		
(Ex-Officio)			
Senate –	President – Co–Chairman (Lt. Governor James C. Gardner)		
	President Pro Tempore (Senator Henson P. Barnes)		
	Majority Leader (Senator Ted Kaplan)		
House –	Speaker – Co–Chairman (Rep. Josephus Mavretic)		
	Speaker Pro Tempore (Rep. R. D. Beard)		

GROUNDWATER RESOURCES, DEVELOPMENT OF STATE STRATEGY FOR THE PROTECTION OF/LRC			
Ch. 802, Sec. 2.1(15), 1989 S.L. (S.B. 231)			Report 1990 or 1991
(Pro Tem)	Senator Thomas F. Taft (Co–Ch)	11/8/89	
	Senator Marc Basnight		
	Senator Franklin Block		
	Senator Richard E. Chalk, Jr.		
	Senator Russell Walker		
	Senator Dennis Winner		
	Mr. Joe Harwood*		
(Speaker)	Rep. Howard Hunter (Co–Ch)	11/1/89	
	Rep. John Brown		
	Rep. Howard Chapin		
	Rep. Danny DeVane		
	Rep. C. R. Edwards		
	Rep. Larry Justus		
	Rep. Stephen Wood		
(LRC Coordinator)	Senator Lura Tally		

HANDICAPPED CHILDREN FROM BIRTH TO FIVE YEARS OF AGE, INTERAGENCY COORDINATING COUNCIL FOR		
G.S. 143B–179.5—see Ch. 1003, 1989 S.L. (H.B. 1679)		Term–two years
(Pro Tem)	(Not Available at time of Printing)	
(Speaker)	(Not Available at time of Printing)	

HAZARDOUS WASTE TREATMENT COMMISSION
Reorganized—see HAZARDOUS WASTE MANAGEMENT

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
HAZARDOUS WASTE MANAGEMENT COMMISSION			
		Term–four years/staggered	
G.S. 130B-6(c)(2)—see Ch. 168, Sec. 1, 1989 S.L. (S.B. 324)			
(Pro Tem)	Mr. Henry M. Von Oesen*	7/14/89	6/30/92
	Mrs. Dorothy Phillips Kilpatrick*	7/14/89	6/30/91
(Speaker)	Hon. Mary H. Odom*	7/14/89	6/30/92
	Dr. Lonnie Sharpe, Jr.*	7/14/89	6/30/91
HEALTH CARE/INSURANCE COSTS ISSUES/LRC			Report 1990; 1991
Ch. 802, Sec. 2.1(14), 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator William Barker (Co-Ch)	11/8/89	
	Senator Frank W. Ballance		
	Senator Joseph Johnson		
	Senator Helen Marvin		
	Senator Paul Smith		
	Mr. Preston N. Comeaux III*		
	Ms. Catherine Perkinson*		
(Speaker)	Rep. R. D. Beard (Co-Ch)	11/1/89	
	Rep. Bobby Barbee		
	Rep. John Church		
	Rep. Don Dawkins		
	Rep. Stine Isenhower		
	Rep. Doris Lail		
	Mr. I. Richard Verrone*		
(LRC Coordinator)	Senator Russell Walker		
HIGHER EDUCATION OPPORTUNITY STUDY COMMISSION/LRC			
Ch. 1066, Sec. 85, 1989 S.L. (S.B. 1426)		Term—coincides with term of office	
(Pro Tem)	Senator Marvin Ward (Co-Ch)	9/19/90	12/15/90
	Senator James E. Ezzell, Jr.		
	Senator Ralph A. Hunt		
	Senator Wendell H. Murphy		**Resigned**
	Senator Kenneth C. Royall, Jr.		
	Mr. F.H. "Buzz" Shackleford* [UT—Murphy]	10/10/90	12/15/90
(Speaker)	Rep. Johnathan L. Rhyne, Jr. (Co-Ch)	9/25/90	12/15/90
	Rep. Howard B. Chapin		
	Rep. H. Clayton Loflin		
	Rep. George S. Robinson		
	Rep. E. Alexander Warner		
(LRC Coordinator)	Senator Ralph A. Hunt		
(LRC Co-Ch Appointees)	Mr. George "Raz" Autry*	9/28/90	12/15/90
	Mr. Olin H. Broadway*	9/28/90	12/15/90
	Mr. Kenneth R. Harris*	9/26/90	12/15/90
	Mr. John T. Henley*	9/26/90	12/15/90
	Dr. Jimmy Jenkins*	10/1/90	12/15/90
	Dr. John L. Kinlaw*	9/26/90	12/15/90
	Mr. Hal M. Miller*	9/26/90	12/15/90
	Dr. Jay M. Robinson*	9/26/90	12/15/90
	Mr. Jerry Swicegood*	9/28/90	12/15/90
	Miss Sondra Wise*	9/28/90	12/15/90

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
HIGHWAY OVERSIGHT COMMITTEE, JOINT LEGISLATIVE			Term–two years
G.S. 120-70.50—see also Ch. 692, Sec. 1.2, 1989 S.L. (H.B. 399)			
(Pro Tem)	Senator Marc Basnight (Co-Ch)	9/7/89	1/14/91
	Senator George B. Daniel		
	Senator William D. Goldston		
	Senator Wendell H. Murphy		
	Senator Aaron W. Plyler		
	Senator James F. Richardson		
	Senator Dan R. Simpson		
	Senator Paul S. Smith		
(Speaker)	Rep. Sam Hunt (Co-Ch)	10/16/89	1/14/91
	Rep. Billy Creech		
	Rep. Danny DeVane		
	Rep. Harry C. Grimmer		
	Rep. Howard Hunter, Jr.		
	Rep. John B. McLaughlin		
	Rep. George S. Robinson		
	Rep. Betty Wiser		
HOME AND COMMUNITY CARE ADVISORY COMMITTEE			Report 3/1, beginning 1990
G.S. 143B-181.9A—see also Ch. 1004, Sec. 57, 1989 S.L. (H.B. 2260)			
(Pro Tem)	Senator James E. Ezzell, Jr.	9/14/89	
	Senator A. D. Guy		
	Senator Constance K. Wilson		
(Speaker)	Rep. Beverly M. Perdue	10/19/89	
	Rep. Liston B. Ramsey		
	Rep. Doris Lail		
HOMELESS PERSONS/LRC			Report 1990; 1991
Ch. 802, Sec. 2.1(19), 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator James F. Richardson (Co-Ch)	11/8/89	
	Senator Frank W. Ballance		
	Senator N. Leo Daughtry		
	Senator Wanda Hunt		
	Senator Lura Tally		
	Rev. O'Clee Lewis*		
	Ms. Linda Shaw*		
(Speaker)	Rep. Charles Buchanan (Co-Ch)	11/1/89	
	Rep. Anne Barnes		
	Rep. Gordon Greenwood		
	Rep. Aaron Fussell		
	Rep. James P. Green		
	Rep. Edith Lutz		
	Rep. Coy Privette		
(LRC Coordinator)	Senator Russell Walker		

INFORMATION PROCESSING NEEDS AND COST STUDY COMMISSION, STATE

Ch. 873, 1987 S.L. (H.B. 1, Sec. 14.1)
Ch. 239, 1989 S.L. (S.B. 541) see—**Information Technology**

INFORMATION TECHNOLOGY COMMISSION			Term–four years
G.S. 143B-426.21—see Ch. 239, 1989 S.L. (S.B. 541)			
(formerly State Information Processing Needs and Cost Study Commission)			
(Pro Tem)	Mr. Robert G. Winfree*	8/12/89	6/30/93
(Speaker)	Mr. John T. McGee*	8/5/89	6/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
INFRASTRUCTURE AND LOCAL GOVERNMENT NEEDS STUDY COMMISSION, STATE			Final report by 1/15/91
Ch. 802, Sec. 11.2, 1989 S.L.; Ch. 1062, Sec. 2, 1989 S.L. (H.B. 2213)			
(Pro Tem)	Senator J. Richard Conder (Co-Ch)	9/14/89	12/31/90
	Senator Marc Basnight		
	Senator Betsy Lane Cochrane		
	Senator T. LaFontine Odom		
	Senator Aaron W. Plyler, Sr.		
	Mr. Bill Clark*		
	Mr. Ray DeBruhl*		
	Honorable Otto DeBruhl*		
	Honorable Bobby Strickland*		
	Mr. Joseph Durham*	10/6/89	12/31/90
(Speaker)	Rep. John W. Hurley (Co-Ch)	10/19/89	12/31/90
	Rep. Harry C. Grimmer		
	Rep. John C. Hasty		
	Rep. Joanne Bowie		
	Rep. Bradford Ligon		
	Mr. James F. Kirkpatrick*		
	Mr. John K. Nelms*		
	Mr. James Black*		
	Mr. Bryan South*		
	Mr. Woody Brinson*		
INSANITY VERDICT AND GUILTY BUT INSANE VERDICT; CRIMINAL LAW/LRC			Report 1990; 1991
Ch. 802, Sec. 2.1(17), 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator T. L. Odom (Co-Ch)	11/8/89	
	Senator Austin M. Allran		
	Senator Wanda Hunt		
	Senator Helen Marvin		
	Senator A. P. Sands III		
	Mr. Geoffrey Hulse*		
	Mr. Vernon Russell*		
	Hon. Colon Willoughby* [UT—Russell*]	11/15/89	
(Speaker)	Rep. Roy Cooper (Co-Ch)	11/1/89	
	Rep. Theresa Esposito		
	Rep. David Flaherty, Jr.		
	Rep. Thomas Hardaway		
	Rep. David Redwine		
	Rep. Frank Rhodes		
	Ms. Linda Cantrell*		
(LRC Coordinator)	Rep. Fred Bowman		
INTERNATIONAL TRADE STUDY COMMISSION/LRC			
Ch. 1100, 1987 S.L., Sec. 11			
Ch. 802, Sec. 2.1(1), 1989 S.L. (S.B. 231)			
see—Ports Authority/LRC			
LAW ENFORCEMENT STUDY, STATE —see GOVERNMENTAL OPERATIONS			
Ch. 1078, Sec. 8.1, 1989 S.L. (H.B. 296)			Report to 1991 Session
LEGISLATIVE RESEARCH COMMISSION			
G.S. 120-30.11		Term—From adjournment, Odd-numbered year Through December 15, Even-numbered year	
(Pro Tem)	Senator Henson Barnes (Co-Ch)	8/30/89	12/15/90
	Senator Ralph Hunt		
	Senator Donald R. Kincaid		
	Senator R. L. Martin		
	Senator Lura Tally		
	Senator Russell Walker		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
LEGISLATIVE RESEARCH COMMISSION (Continued)			
(Speaker)	Rep. Josephus Mavretic (Co-Ch)	8/28/89	12/15/90
	Rep. Joanne W. Bowie		
	Rep. J. Fred Bowman		
	Rep. Harold J. Brubaker		
	Rep. J. W. Crawford, Jr.		
	Rep. William Hurley		
LEGISLATIVE SERVICES COMMISSION			
G.S. 120-31		Term-coincides with legislative term	
(Pro Tem)	Senator Henson P. Barnes (Co-Ch)	2/14/89	1/10/91
	Senator Marc Basnight		
	Senator Betsy L. Cochrane		
	Senator Ollie Harris		
	Senator Marshall A. Rauch		
	Senator Joe Raynor		
	Senator Kenneth C. Royall, Jr.		
(Speaker)	Rep. Josephus Mavretic (Co-Ch)	2/3/89	
	Rep. J. Vernon Abernethy		
	Rep. Daniel T. Blue, Jr.		
	Rep. Charles L. Cromer		
	Rep. Harry E. Payne		
	Rep. George S. Robinson		
	Rep. Sharon A. Thompson		
	Rep. Larry T. Justus [UT—Cromer]		
LICENSE PLATES, FEE STRUCTURE FOR PERSONALIZED AND SPECIAL/LRC			Report 1991
Ch. 774, Sec. 6, 1989 S.L. (S.B. 913)			
(Pro Tem)	Senator R. C. Soles, Jr. (Co-Ch)	11/8/89	
	Senator William Goldston, Jr.		
	Senator Charles Hardin		
	Senator Ralph Hunt		
	Senator R. L. Martin		
	Senator Robert Swain		
	Ms. Martha R. Taylor*		
	Senator Herbert L. Hyde [UT—Swain]	9/13/90	
(Speaker)	Rep. Doris Huffman (Co-Ch)	11/1/89	
	Rep. Charles Albertson		
	Rep. Howard Barnhill		
	Rep. Arlie Culp		
	Rep. Aaron Fussell		
	Rep. Stephen Wood		
	Mrs. Carrie Thompson*		
(LRC Coordinator)	Rep. William Hurley		
LONG-TERM CARE—see Rest Homes, Intermediate Care Facilities, and Skilled Nursing Homes/LRC			
MANUFACTURED HOUSING BOARD, NORTH CAROLINA			
G.S. 143-143.10			Term-three years
(Pro Tem)	Mr. Raymond Keck*	10/1/89	9/30/92
	Mr. Clyde Lawson*		
(Speaker)	Mr. Ken Johnson*	10/1/88	9/30/91
	Mr. G. Stanton Taylor*	10/1/88	9/30/91

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
MEDICAL MALPRACTICE CLAIMS ARBITRATION STUDY COMMISSION		Final report by 1991 Session	
Ch. 802, Sec. 8.1, 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator Alexander P. Sands (Co-Ch)	9/14/89	12/31/90
	Senator Joseph E. Johnson		
	Senator R. C. Soles, Jr.		
	Mr. Richard R. Grady*		
	Dr. C. Christopher Bremer*	10/6/89	12/31/90
(Speaker)	Rep. Charles L. Cromer (Co-Ch)	10/19/89	**Resigned**
	Rep. George W. Miller, Jr.		
	Rep. George S. Robinson	10/19/89	
	Appointed (Co-Ch)	6/15/90	
	Rep. David T. Flaherty, Jr.	6/15/90	
	Dr. Dale Newton*	10/19/90	
	Mr. Billy West*	10/19/90	
MENTAL HEALTH STUDY COMMISSION			
Ch. 806, 1973 S.L.— see also Ch. 873, 1987 S.L. (H.B. 1, Sec. 21.1); Ch. 802, Sec. 7.1, 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator Kenneth C. Royall, Jr.(Co-Ch)	9/1/89	12/30/90
	Senator Ollie Harris		
	Senator Wm N. Martin		
	Senator James D. Speed		
	Senator Robert S. Swain		
	Senator Herbert L. Hyde [UT—Swain]	9/13/90	
	Senator Lura Tally		
	Senator Russell Walker		
(Speaker)	Rep. W. Stine Isenhower (Co-Ch)	10/19/89	
	Rep. R. D. Beard		
	Rep. J. W. Crawford, Jr.		
	Rep. Larry Etheridge		
	Rep. Frank E. Rhodes		
	Rep. Gene Wilson		
	Mr. Randolph Cloud*		
	Mr. Robert O. Klepford*		
MINORITY AND SMALL BUSINESS, STATE PROCUREMENT CONTRACTS AND TECHNICAL ASSISTANCE TO/LRC			
Ch. 802, Sec. 2.1(8), 1989 S.L. (S.B. 231)		Report 1990; 1991	
(Pro Tem)	Senator Ralph Hunt (Co-Ch)	11/8/89	
	Senator N. Leo Daughtry		
	Senator R. L. Martin		
	Senator Wm. N. Martin		
	Senator J. K. Sherron, Jr.		
	Mr. Bob Quinn*		
	Mr. W. K. Woltz, Jr.*		
	Mrs. Wilma Woodard* [UT—Woltz*]	1/3/90	
(Speaker)	Rep. Thomas Hardaway (Co-Ch)	11/1/89	
	Rep. Charles Buchanan		
	Rep. Pete Cunningham		
	Rep. Harry Grimmer		
	Rep. Howard Hunter		
	Rep. Annie Kennedy		
	Rep. Tim Tallent		
(LRC Coordinator)	Senator Ralph Hunt		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
NURSING HOMES—see REST HOMES, INTERMEDIATE CARE FACILITIES, AND SKILLED NURSING HOMES/LRC			
NURSING SCHOLARS COMMISSION, NORTH CAROLINA			Term–four years
G.S. 90-171.60—see also Ch. 594, Sec. 1, 1989 S.L. (H.B. 316)			
(Pro Tem)	Mrs. Patsy Ezzell*	8/12/89	7/1/93
	Mrs. Catherine T. Hollowell*		
	Mrs. JoAnn B. Schoen*		
(Speaker)	Ms. Bonnie K. Ratchford Blair*	8/21/89	7/1/93
	Dr. Richard L. Brownell*	8/21/89	7/1/93
	Dr. Jan Crawford* [UT—Brownell]	7/31/90	7/1/93
	Ms. V. Diane Gibbs*	8/21/89	7/1/93
NURSING, LEGISLATIVE COMMISSION ON			Term–two years
Ch. 560, Sec. 15, 1989 S.L. (H.B. 320)			Report by 4/1/91
(Pro Tem)	Senator George B. Daniel (Co-Ch)	9/18/89	6/30/91
	Senator Frank W. Ballance		
	Senator Leo Daughtry		
	Senator Constance K. Wilson		
	Mrs. Mary Brown*		
	Mr. Frederick A. Odell III*		
	Mrs. Judith B. Seamon*		
(Speaker)	Rep. John L. Tart (Co-Ch)	10/19/89	
	Rep. Sharon Thompson		
	Rep. Peggy Wilson		
	Rep. Howard Hunter, Jr.		
	Mr. Chalres B. McIntyre*		
	Dr. Phyllis Horn*		
	Mr. Travis Tomlinson*		
	Rep. Annie B. Kennedy [UT—Hunter]	10/15/90	
OPEN GOVERNMENT THROUGH PUBLIC TELECOMMUNICATIONS STUDY COMMISSION			Terminates *Sine Die* 1991;
Ch. 1078, Sec. 6.1, 1989 S.L. (H.B. 296)			Report by 3/1/91
(Pro Tem)	Senator Franklin L. Block	9/19/90	*Sine Die* 1991
	Senator James C. Johnson, Jr.		
	Senator Joseph E. Johnson		
(Speaker)	Rep. Vernon G. James (Ch)	9/19/90	*Sine Die* 1991
	Rep. Joanne W. Bowie		
	Rep. Jerry Dockham	10/18/90	
PARENTAL INVOLVEMENT IN SCHOOLS STUDY —see EDUCATION STUDY COMMISSION			
Ch. 1074, Sec. 24, 1989 S.L. (S.B. 1427)			
PARKS STUDY COMMISSION, STATE		Final report prior to 1991 Session	
Ch. 802, Sec. 3.1, 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator J. K. Sherron, Jr. (Co-Ch)	9/8/89	12/31/90
	Senator Austin M. Allran		
	Senator Ted Kaplan		
(Speaker)	Rep. N. J. Crawford (Co-Ch)	10/19/89	
	Rep. Daniel DeVane		
	Rep. Jo Graham Foster		
PERSONNEL—see STATE PERSONNEL			

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
PORTS AUTHORITY STUDY COMMISSION, STATE/LRC			
Ch. 1100, 1987 S.L. (S.B 257, Sec. 1)		Final report on or before 1/10/91	
Ch. 802, Sec. 2.1(1), 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator R. L. Martin (Co-Ch.)	11/8/89	
	Senator Franklin Block		
	Senator George Daniel		
	Senator Wendell Murphy		
	Senator Robert G. Shaw		
	Mr. Joe M. Parker*		
	Mr. Bobby Porter*		
(Speaker)	Rep. Robert Grady (Co-Ch.)	11/1/89	
	Rep. Vernon Abernethy		
	Rep. Gerald Anderson		
	Rep. Howard Chapin		
	Rep. Larry Diggs		
	Rep. David Redwine		
	Rep. C. P. Stewart		
(LRC Coordinator)	Senator Donald Kincaid		
PRISONS, SPECIAL COMMITTEE ON—Transferred —see SENTENCING AND POLICY ADVISORY COMMISSION			
PRIVATE PROTECTIVE SERVICES BOARD			Term-three years
G.S. 74C-4(b)			
(Pro Tem)	Hon. James H. Edwards*	7/1/88	6/30/90
(Speaker)	see page 666		
PROPERTY TAX STUDY COMMISSION			
Ch. 802, Sec. 9.1, 1989 S.L. (S.B. 231)		Final report by 3/1/91	
(Pro Tem)	Senator Dennis J. Winner (Co-Ch)	9/8/89	12/31/90
	Senator Frank W. Ballance, Jr.		
	Senator William D. Goldston, Jr.		
	Senator Charles W. Hardin		
	Senator Ralph A. Hunt		
	Senator T. LaFontine Odom		
	Senator Joe Raynor		
	Senator Robert G. Shaw		
	Honorable John M. Booker*		
	Honorable Melvin Oliver*		
	Honorable Robert V. Owens*		
(Speaker)	Rep. Frank E. Rhodes (Co-Ch)	10/19/89	12/31/90
	Rep. Robert Brawley		
	Rep. Logan Burke		
	Rep. Annie B. Kennedy		
	Rep. John H. Kerr III		
	Rep. Clayton Loflin		
	Rep. James Arthur Pope		
	Rep. Stephen Wood		
	Ms. Judith A. Critcher*		
	Mr. W. Harrell Everett, Jr.*		
	Mr. Bob Lewis*		
PROPRIETARY SCHOOLS/LRC			
Ch. 802, Sec. 2.1(22), 1989 S.L. (S.B. 231)			Report 1990; 1991
(Pro Tem)	Senator Wm. N. Martin (Co-Ch)	11/8/89	
	Senator Richard E. Chalk, Jr.		
	Senator J. Richard Conder		
	Senator James Ezzell, Jr.		
	Senator James F. Richardson		
	Senator Lura Tally		
	Ms. Nina Freeman*		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
PROPRIETARY SCHOOLS/LRC (Continued)			
(Speaker)	Rep. Michael Decker (Co-Ch)	11/1/89	
	Rep. Gordon Greenwood		
	Rep. John McLaughlin		
	Rep. Edd Nye		
	Rep. John Tart		
	Rep. Lois Walker		
	Mrs. Rachael Wright*		
(LRC Coordinator)	Senator R. L. Martin		
PUBLIC EMPLOYEES' DAY CARE AND MEDICAL AND DENTAL BENEFITS/LRC			Report 1990; 1991
Ch. 802, Sec. 2.1(23), 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator Wanda Hunt (Co-Ch)	11/8/89	
	Senator Austin M. Allran		
	Senator A. P. Sands III		
	Senator J. K. Sherron, Jr.		
	Senator Thomas F. Taft		
	Senator Marvin Ward		
	Mr. George Silver*		
(Speaker)	Rep. Milton Fitch (Co-Ch)	11/1/89	
	Rep. Stephen Arnold		
	Rep. Charlotte Gardner		
	Rep. James P. Green		
	Rep. R. M. Thompson		
	Rep. Peggy Wilson		
	Mr. George Knight*		
(LRC Coordinator)	Rep. J. W. Crawford		
PUBLIC HEALTH STUDY COMMISSION			Final report by 1/30/91
Ch. 802, Sec. 4.2, 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator Ollie Harris (Co-Ch)	9/7/89	1/14/91
	Senator James E. Ezzell, Jr.		
	Senator Paul S. Smith		
	Senator Russell Walker		
	Mr. Carl Durham*		
	Mrs. Maye Gurley*		
	Dr. Richard House*		
(Speaker)	Rep. Betty Wiser (Co-Ch)	11/22/89	
	Rep. Howard Barnhill		
	Rep. Charles Cromer		
	Rep. Theresa Esposito		
	Rep. James P. Green		
	Dr. Chris Mansfield*		
	Dr. Charles Sawyer*		
	Ms. Lois K. Selhorst* [U/T—Sawyer*]	4/6/90	
	Rep. W. W. Dickson [U/T—Cromer*]	6/15/90	
RAILROAD, LEASE AND RENEGOTIATION OF CONTRACTS/LRC			
Ch. 802, Sec. 2.1(1), 1989 S.L. (S.B. 231)			Report 1990; 1991
(Pro Tem)	Senator James E. Ezzell, Jr.	11/8/89	
	Senator William Barker		**Resigned**
	Sentor Franklin Block		
	Senator Howard Bryan		
	Senator Joseph B. Raynor		
	Senator Dennis Winner		
	Mr. Tom Harbin*		
	Senator R.L. Martin [UT—Barker]	10/10/90	

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
RAILROAD, LEASE AND RENEGOTIATION OF CONTRACTS/LRC (Continued)			
(Speaker)	Rep. Vernon Abernethy (Co-Ch)	11/1/89	
	Rep. David Balmer		
	Rep. Bruce Ethridge		
	Rep. Pryor Gibson		
	Rep. Daniel Lilley		
	Rep. Leo Mercer		
	Rep. Frank Sizemore		
(LRC Coordinator)	Rep. Joanne Bowie		
REAL ESTATE APPRAISAL BOARD		Becomes Effective 7/1/91	
G.S. 93A-78—see Ch. 827, Sec. 8, 1989 S.L. (H.B. 2050)			Term-three years
REST HOMES, INTERMEDIATE CARE FACILITIES, AND SKILLED NURSING HOMES/LRC			Report 1990; 1991
Ch. 802, Sec. 2.1(13), 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator George B. Daniel (Co-Ch)	11/8/89	
	Senator William Barker		
	Senator R. L. Martin		
	Senator James F. Richardson		
	Senator Paul Smith		
	Mrs. Judy Harrison*		
	Hon. Mary P. Seymour*		
(Speaker)	Rep. Theresa Esposito (Co-Ch)	11/1/89	
	Rep. Howard Barnhill		
	Rep. Charles Cromer		
	Rep. Liston B. Ramsey		
	Rep. Paul Stam		
	Rep. Betty Wiser		
	Mr. James E. Raynor*		
(LRC Coordinator)	Senator Russell Walker		
REVENUE LAWS AND LOCAL REVENUE SOURCES OPTIONS/LRC			
Ch. 802, Sec. 2.1(12), 1989 S.L. (S.B. 231)			Report 1990; 1991
(Pro Tem)	Senator Dennis Winner (Co-Ch)	11/8/89	
	Senator A. D. Guy		
	Senator Donald Kincaid		
	Senator Marshall Rauch		
	Senator William Staton		
	Hon. Oscar Harris*		
	Mrs. Margaret Tennille*		
(Speaker)	Rep. Daniel Lilley (Co-Ch)	11/1/89	
	Rep. Vernon Abernethy		
	Rep. Robert Brawley		
	Rep. James Craven		
	Rep. John Hasty		
	Rep. Betty Wiser		
	Mr. Earle H. Ward*		
(LRC Coordinator)	Rep. William Hurley		
SALVAGE MOTOR VEHCILE TITLES/LRC			Report 1990; 1991
G.S. 120-30.17			
(Pro Tem)	Senator William D. Goldston, Jr. (Co-Ch)	3/2/90	
	Senator Betsy L. Cochrane		
	Senator James C. Johnson, Jr.		
	Senator Howard N. Lee		
	Senator Wendell H. Murphy		
	Honorable Melvin R. Daniels*		
	Mr. Gary Bevell*		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
SALVAGE MOTOR VEHCILE TITLES/LRC (Continued)			
(Speaker)	Rep. John Weatherly (Co-Ch)	3/2/90	
	Rep. Roy A. Cooper III		
	Rep. Narvel Jim Crawford		
	Rep. Robert Grady		
	Rep. Thomas C. Hardaway		
	Rep. John C. McLaughlin		
	Mr. William S. Dove III*		
(LRC Coordinator)	Rep. Joanne Bowie		

SCHOOL IMPROVEMENT ACT STUDY
—see **EDUCATION STUDY COMMISSION**

SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION ON Term-coincides with office

G.S. 120-70.61—see also Ch. 802, Sec. 12.1, 1989 S.L. (S.B. 231)

(Pro Tem)	Senator Marc Basnight	9/8/89	
	Senator William H. Barker		
	Senator Franklin L. Block		
(Speaker)	Rep. Robert Grady (Co-Ch)	10/19/89	
	Rep. Howard Chapin		
	Rep. Marty Kimsey		

SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA Expires 7/1/92

G.S. 164-37—see Ch. 1076, Sec. 1, 1989 Session Laws

(Pro Tem)	Senator David R. Parnell	9/6/90	7/1/92
	Ms. Lao Rubert*	8/29/90	7/1/92
(Speaker)	See page 668		

SOCIAL SERVICES STUDY COMMISSION

Ch. 802, Sec. 13.2, 1989 S.L. (S.B. 231) Final report prior to 1991 Session

(Pro Tem)	Senator Russell Walker (Co-Ch)	9/8/89	12/31/90
	Senator Austin M. Allran		
	Senator Ollie Harris		
	Senator Helen R. Marvin		
	Senator James F. Richardson		
	Ms. Pam Silberman*		
	Mr. E. C. Modlin*	10/6/89	12/31/90
(Advisory Member—Non-voting)			
	Mr. Daniel C. Hudgins*	10/19/89	12/31/90
	Mr. John Liverman*	10/23/89	12/31/90
(Speaker)	Rep. Ruth Easterling (Co-Ch)	11/22/89	12/31/90
	Rep. Marie Colton		
	Rep. David Flaherty, Jr.		
	Rep. Lyons Gray		
	Rep. Sidney Locks		
	Rep. Paul Stam, Jr.		
	Mr. Kermit Richardson*		
	Mr. Bobby Boyd*		
	Ms. Barbara Perry*		
	Mr. Ryal Tayloe*		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
SOLID AND INFECTIOUS WASTE MANAGEMENT, DEVELOPMENT OF A STATE STRATEGY FOR/LRC			
Ch. 802, Sec. 2.1(2), 1989 S.L. (S.B. 231)		Report 1990; 1991	
(Pro Tem)	Senator Lura Tally (Co-Ch)	11/8/89	
	Senator Richard E. Chalk, Jr.		
	Senator J. Richard Conder		
	Senator James C. Johnson, Jr.		
	Senator James D. Speed		
	Senator Thomas Taft		
	Mr. Charles H. Edwards*		
(Speaker)	Rep. Harry Grimmer (Co-Ch)	11/1/89	
	Rep. Danny DeVane		
	Rep. David Diamont		
	Rep. Larry Diggs		
	Rep. Joe Hackney		
	Rep. Bradford Ligon		
	Rep. Mickey Michaux		
(LRC Coordinator)	Senator R. L. Martin		
SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AGENCY		Term-two years	
G.S. 159I-4(b)—see Ch. 756, Sec. 1, 1989 S.L. (S.B. 115)			
(Pro Tem)	Mr. Leroy Smith*	2/16/90	6/30/91
(Speaker)	Ms. Carol G. Love*	7/31/90	6/30/91
STATE CAPITAL ASSETS AND IMPROVEMENTS/LRC			
Ch. 802, Sec. 2.3, 1989 S.L. (S.B. 231)		Report 1990; 1991	
(Pro Tem)	Senator J. K. Sherron, Jr. (Co-Ch)	11/8/89	
	Senator Betsy L. Cochrane		
	Senator George B. Daniel		
	Senator William Goldston, Jr.		
	Senator William Staton		
	Mr. Elton Edwards*		
	Mrs. Louise McCall*		
(Speaker)	Rep. George Holmes (Co-Ch)	11/1/89	
	Rep. Dan Blue		
	Rep. Walter Jones, Jr.		
	Rep. Leo Mercer		
	Rep. Eugene Wilson		
	Rep. Betty Wiser		
	Mr. Anthony E. Foriest*	12/5/89	
(LRC Coordinator)	Senator Ralph Hunt		

STATE PARKS—see PARKS, STATE

STATE PERSONNEL SYSTEM STUDY COMMISSION			
Ch. 802, Sec. 21.1, 1989 S.L. (S.B. 231)		Term-coincides with office	
(Pro Tem)	Senator Wanda H. Hunt (Co-Ch)	9/8/89	12/31/90
	Senator Howard F. Bryan		
	Senator Joseph E. Johnson		
	Senator Alexander P. Sands III		
	Senator James D. Speed		
	Senator T.L. Odom (Ex-Officio)	3/12/90	
(Speaker)	Rep. Milton Fitch, Jr. (Co-Ch)	10/19/89	
	Rep. Anne Barnes		
	Rep. Bobby H. Barbee, Sr.		
	Rep. Edd Nye		
	Rep. Julia C. Howard		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
STATE PORTS AUTHORITY/LRC			
—see **PORTS AUTHORITY, STATE/LRC**			
TOURISM'S GROWTH AND EFFECT/LRC			
Ch. 873, 1987 S.L. (H.B. 1, Sec. 2.1)			
Ch. 802, S.L. (S.B. 231, Sec. 2.1(4))			
(Pro Tem)	Senator Ted Kaplan (Co-Ch)	11/8/89	
	Senator Donald Kincaid		
	Senator Aaron W. Plyler, Sr.		
	Senator Joseph B. Raynor		
	Senator William Staton		
	Mr. Paul Comer*		
	Mr. James Fulghum*		
(Speaker)	Rep. Pryor Gibson (Co-Ch)	11/1/89	
	Rep. Marie Colton		
	Rep. N. J. Crawford		
	Rep. Robert Grady		
	Rep. Jack Hunt		
	Rep. Annie Kennedy		
	Rep. Marty Kimsey		
(LRC Coordinator)	Senator Donald Kincaid		
TRANSPORTATION, LONG-RANGE NEEDS OF THE STATE/LRC			
Ch. 692, Sec. 1.12, 1989 S.L. (H.B. 399)			
(Pro Tem)	Senator William D. Goldston, Jr. (Co-Ch)	11/8/89	
	Senator Marc Basnight		
	Senator Kenneth C. Royall, Jr.		
	Senator Marvin Ward		
	Senator Constance Wilson		
	Mr. Jack Edmundson*		
	Hon. Jeffrey B. Turner*		
(Speaker)	Rep. Sam Hunt (Co-Ch)	11/1/89	
	Rep. Bobby Barbee		
	Rep. Billy Creech		
	Rep. Jo Graham Foster		
	Rep. Daniel Lilley		
	Rep. John McLaughlin		
	Rep. Tim Tallent		
(LRC Coordinator)	Rep. Joanne Bowie		
TRANSPORTATION, PUBLIC, FINANCING AND PRIVATE SECTOR CONTRACTS FOR/LRC			
Ch. 740, Sec. 7, 1989 S.L. (H.B. 694)			
(Pro Tem)	Senator Aaron W. Plyler, Sr. (Co-Ch)	11/8/89	
	Senator William Goldston, Jr.		
	Senator James C. Johnson, Jr.		
	Senator David Parnell		
	Senator Daniel R. Simpson		
	Mr. George Crumbley*		
	Mr. Frank Plummer*		
(Speaker)	Rep. Dan Blue (Co-Ch)	11/1/89	
	Rep. Vernon Abernethy		
	Rep. Roy Cooper		
	Rep. Larry Diggs		
	Rep. Al Lineberry		
	Rep. William Mills		
	Rep. Arthur Pope		
(LRC Coordinator)	Rep. Joanne Bowie		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
VETERANS HOME STUDY COMMISSION		Report to 1991 Session	
Ch. 1074, Sec. 20(a), 1989 S.L. (S.B. 1427)			
(Pro Tem)	Senator Joseph Raynor	9/19/90	6/30/91
	Adjutant L.S. Craver*		
	Mr. Preston F. Garris*		
	Mr. Garnett Shropshire*		
	Mr. Wallace E. Tyson*	10/19/90	
(Speaker)	Rep. William Hurley	9/10/90	
	Mr. Arnold Gallimore*		
	Mr. Samuel E. Cannon, Sr.*		
	Mr. Raddy G. Hughes*		
	Mr. J. Frank Ray*		
WATER, QUALITY AND RESOURCES ISSUES, SURFACE/LRC			
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(Pro Tem)	Senator Franklin L. Block (Co-Ch)	11/8/89	
	Senator Betsy L. Cochrane		
	Senator Joseph Johnson		
	Senator Kenneth C. Royall, Jr.		
	Senator J. K. Sherron, Jr.		
	Mr. Charles Holt*		
	Dr. David Moreau*		
(Speaker)	Rep. Harry Payne (Co-Ch)	11/1/89	
	Rep. R. D. Beard		
	Rep. Arlie Culp		
	Rep. Julia Howard		
	Rep. Alex Warner		
	Rep. Peggy Wilson		
	Mr. Frank Kime*		
(LRC Coordinator)	Senator Lura Tally		
WATERSHED PROTECTION ADVISORY COUNCIL		Term-two years	
G.S. 143-214.6(a)—see Ch. 426, Sec. 2, 1989 S.L. (H.B. 156)			
—see also Ch. 603, Sec. 2, 1989 S.L. (H.B. 157)			
(Pro Tem)	Mrs. Betsy Johnson*	8/12/89	6/30/93
	Hon. Molly Fearing*		
(Speaker)	Ms. Jane S. Davis*	8/21/89	6/30/91
	Ms. Ellen Reckhow*	8/21/89	6/30/91
WETLANDS PROTECTION, LEGISLATIVE STUDY COMMISSION ON			
Ch. 802, Sec. 16.3, 1989 S.L. (S.B. 231)		Final report by 3/1/91	
(Pro Tem)	Senator Thomas F. Taft (Co-Ch)	9/1/89	3/1/91
	Senator William Barker		
	Senator Dennis Winner		
	Mr. Kenneth M. Kirkman*		
	Mrs. Lena Ritter*		
(Speaker)	Rep. Bruce Ethridge (Co-Ch)	10/26/89	
	Rep. George Robinson		
	Rep. John Weatherly		
	Mr. Jud Ammons*		
	Dr. Mike Corcoran*		
WORKER TRAINING TRUST FUND STUDY/LRC			
Ch. 802, Sec. 2.1(3), 1989 S.L. (S.B. 231)		Report 1990; 1991	
(Pro Tem)	Senator Joseph B. Raynor (Co-Ch)	11/8/89	
	Senator Howard F. Bryan		
	Senator David Parnell		
	Senator R. C. Soles, Jr.		
	Senator Russell Walker		
	Mr. Glenn Jernigan*		
	Mr. Christopher Scott*		

*Citizen Appointee
[UT]—Filling Unexpired Term

		Appointed	Expires
WORKER TRAINING TRUST FUND STUDY/LRC (Continued)			
(Speaker)	Rep. Eugene Wilson (Co-Ch)	11/1/89	
	Rep. Howard Chapin		
	Rep. Billy Creech		
	Rep. Ruth Easterling		
	Rep. Vernon James		
	Rep. Al Lineberry		
	Ms. Deborah B. Warren*		
(LRC Coordinator)	Senator Donald Kincaid		

NOTE: Appointments made **prior to 1989** were made by the following:
President Pro Tempore—The Honorable J. J. "Monk" Harrington
Speaker of the House of Representatives
—The Honorable Liston B. Ramsey

*Citizen Appointee
[UT]—Filling Unexpired Term

NATIONAL CONFERENCE OF STATE LEGISLATURES STANDING COMMITTEES

(Term coincides with Legislative term)

President Pro Tempore *Speaker*

ASSEMBLY ON THE LEGISLATURE

Arts, Tourism and Cultural Resources
Senator William H. Barker

Children, Families and Social Services
Senator Helen R. Marvin

Criminal Justice
Senator Robert S. Swain — Rep. Doris Huffman

Commerce and Economic Development
Senator William W. Staton — Rep. Billy Mills

Education
Senator William N. Martin — Rep. C. R. Edwards

Fiscal Affairs and Oversight
Senator Aaron W. Plyler, Sr. — Rep. John Tart
Rep. Dan Lilley

Labor
Senator George B. Daniel

Legislative Organization and Management
Senator Wanda H. Hunt

Science, Technology and Resource Planning
Senator Lura Tally — Rep. Brad Ligon

State Government Issues and Organization
Senator Thomas F. Taft — Rep. Donald Dawkins
Rep. Coy Privette

State-Local Relations
Senator A. P. Sands III — Rep. Joe Hege

Reapportionment Task Force
Senator Marvin Ward — Rep. Sam Hunt

STATE-FEDERAL ASSEMBLY

Agriculture, Food Policy and Rural Development
Senator James D. Speed — Rep. John Brown
Rep. Gene Rogers

Commerce, Labor and Regulation
Senator A. D. Guy

Education and Job Training
Senator Marvin Ward — Rep. Fred Bowman

State-Federal Assembly (continued)

President Pro Tempore	*Speaker*
Energy	
Senator Franklin L. Block	Rep. George Holmes
Environment	
Senator Dennis Winner	
Federal Budget and Taxation	
Senator R. L. Martin	Rep. Robert Brawley
Government Operations and Pensions	
Senator David R. Parnell	Rep. Marie Colton Rep Charles Buchanan
Health	
Senator Russell Walker	Rep. Theresa Esposito
Human Services	
Senator James E. Ezzell, Jr.	Rep. Betty Wiser
International Trade	
Senator Ted Kaplan	
Law and Justice	
Senator Ralph A. Hunt	Rep. Dan Blue, Jr. Rep. Larry Justus
Transportation and Communications	
Senator Wm. D. Goldston, Jr.	Rep. John McLaughlin
Subcommitte on Communications	
Senator Wendell H. Murphy	

SOUTHERN LEGISLATIVE CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS

Appointing Authority: *President Pro Tempore*

Executive Committee
Senator Henson P. Barnes
Senator J. Richard Conder (Alternate)
Senator Kenneth C. Royall, Jr.
(Member as former Southern Legislative Conference Chairman)

Agriculture And Rural Development Committee
Senator James D. Speed
Senator R. L. Martin
Senator Howard F. Bryan (Alternate)

Economic Development, Commerce And Trade Committee
Senator William W. Staton
Senator Joe B. Raynor

Southern Legislative Conference/CSG (continued)

Education Committee
Senator Marvin Ward
Senator William N. Martin
Senator Richard E. Chalk, Jr. (Alternate)

Energy Committee
Senator William H. Barker
Senator Paul S. Smith
Senator Austin M. Allran (Alternate)
Senator Franklin L. Block (Alternate)

Environmental Quality And Natural Resources Committee
Senator Thomas F. Taft
Senator Lura Tally
Senator Robert G. Shaw (Alternate)

Federal Preemption And State/Federal Affairs Committee
Senator J. K. Sherron, Jr.
Senator Frank W. Ballance, Jr.
Senator James C. Johnson, Jr. (Alternate—1989)

Fiscal Affairs And Government Operations Committee
Senator J. Richard Conder
Senator Aaron W. Plyler, Sr.
Senator Kenneth C. Royall, Jr.
Senator Donald R. Kincaid (Alternate)

Human Resources Committee
Senator Russell Walker
Senator James F. Richardson
Senator Betsy L. Cochrane (Alternate)

Justice, Public Safety And Consumer Affairs Committee
Senator Helen R. Marvin
Senator Laurence A. Cobb (1989)
Senator James C. Johnson, Jr. (1990)

Transportation Committee
Senator William D. Goldston, Jr.
Senator Marc Basnight
Senator Daniel R. Simpson (Alternate)

SLC/CSG Committee On Suggested State Legislation (SSL)
Senator Lura Tally
Senator Ralph A. Hunt

SENATE STAFF

OFFICE OF THE PRESIDENT

Lieutenant Governor	James C. Gardner
Director of Communications	Tina N. Wilson
Assistants	
Administrative	Jennifer M. Norton
Boards and Commissions	David C. Bagnal
Constituent Affairs	Ted S. Brown
Research and Policy	Karen A. Morison
Administrative Secretary	Rachel Harrell
Scheduler	Gail Whitaker
Receptionist	Teresa H. Thomas
Executive Director, NC Drug Cabinet and Legislative Liaison	Don Beason

OFFICE OF THE PRESIDENT PRO TEMPORE

President Pro Tempore	Henson P. Barnes
Legislative Liaison	Robert D. Warren
Executive Aide/Chaplain	Steve W. Lucas
Administrative Assistants	Joan Leatherman Faye McLamb Delores Steele
Page Coordinator	Mary Puryear
Supervisor	Elizabeth E. Wagner

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk	Sylvia Morris Fink
Administrative Assistant	June Simpkins Bennett Mona R. Fitzgerald
Calendar Clerk	Emma E. "Bill" Farrow
Assistant Calendar Clerks	Margaret Exum Lane Klotzberger Penny N. Williams
Journal Clerk	Sandra P. Brown
Assistant Journal Clerks	John R. Anderson Betty Bridger Mary Finch Paige Fink Steve Parker

READING CLERK

LeRoy Clark, Jr.

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms		Gerda B. Pleasants
Deputy Sergeant-at-Arms		Royster Baker
Assistants		Henry Copley
	Martha Dunn	Walter Ramseur
	Jimmy Hight	Cindy Robertson-Coleman
	Easter Maynard	Ben Spencer
	Denise Melvin	Carolyn Westbrook
	Jack Mueller	Greg Williams
	Gloria Musard	Leslie Wright

SECRETARIES/COMMITTEE CLERKS

SUPERVISOR — Janet Pruitt

Name	*Senator*	*Clerk of Committee*
Allen, Doris	Parnell	Insurance
Altman, Connie	Winner	Rules and Operation of the Senate
Avent, Irma	Richardson	Children and Youth
Bagley, Jane (Dee)	Smith	
Batchelor, Jerry	Staton	Banks and Thrift Institutions
Blankenship, Becky	Shaw	
Britt, Judy	Rauch	Finance
Bullard, Bernice	Daughtry	
Carpenter, Helen	Carpenter	
Carson, Kay	Lee	
Cooper, Hazel	Walker	Appropriations on Human Resources
Costello, Evelyn	Kaplan	Majority Leader
Critcher, Blanche	Johnson of Wake	Judiciary III
Crutchfield, Sondra	Martin of Guildford	Appropriations on General Government
DeLoatch, Teresa	Hunt of Durham	Small Business
Denzin, Glynda		Office of Supervisor
Drew, Frances	Speed	Agriculture
Exum, Mary		Office of Supervisor
Finch, Mary Ann	Sherron	State Government
Gooden, Carolyn	Swain	Judiciary I
Halifax, Peggy		Office of Supervisor
Hamm, Juanita		Office of Supervisor
Henderson, Surena	Murphy	Higher Education
Hinton, Sharon	Raynor	Veteran Affairs, Law Enforcement, and Senior Citizens
Hogan, Peggy Ann	Sands	Local Government and Regional Affairs
Holbrook, Dot		Office of Supervisor
Hoppa, Eileen	Chalk	
House, Pat	Ward	Appropriations on Education
Jacobi, Marianne	Tally	Environment and Natural Resources
Johns, Ellen	Harris	Human Resources
Johnson, Gerry	Bryan	
Jordan, Martha	Simpson	
King, Lynda	Martin of Pitt	Appropriations on Natural and Economic Resources

SECRETARIES (continued)

Name	*Senator*	*Clerk of Committee*
Kirby, Margie	Ezzell	Constitution
Lambert, Ann	Daniel	Manufacturing and Labor
Leatherman, Joan	Barnes	Office of President *Pro Tempore*
LeFort, Terry	Taft	Election Laws
Maddox, Peggy	Allran	
Misner, Pat	Plyler	Ways and Means
Murphy, Sarah	Conder	Education
Myers, Elaine	Goldston	Transportation
Newman, Jane	Hardin	
Odom, Jane	Odom	State Personnel
O'Sullivan, Barbara	Royall	Appropriations
Parrish, Claudette		Office of Supervisor
Paschal, Marguerite	Basnight	Base Budget
Porter, Phyllis	Kincaid	Minority Leader
Pulley, Nancy	Barker	Marine Resouces and Wildlife
Puryear, Janet	Soles	Judiciary II
Resar, Carol	Block	Pensions and Retirement
Smith, Eileen		Office of Supervisor
Spencer, Joan	Royall	Deputy President *Pro Tempore*
Taylor, Mary Lee	Cochrane	
Tyree, Lois	Wilson	
Tyson, Mary	Marvin	Appropriations on Justice and Public Safety
Washington, Kathryn	Ballance	Alcoholic Beverage Control
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ALPHABETICAL INDEX

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Children and Youth	Ch&Y
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Education	Ed
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